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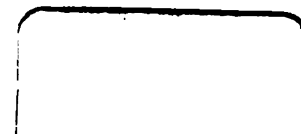
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THE FREEDMEN'S BUREAU

A CHAPTER  
IN  
THE HISTORY OF RECONSTRUCTION

By  
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INSTRUCTOR IN HISTORY

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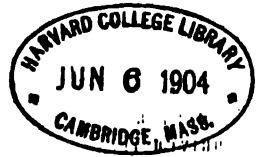
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# THE FREEDMEN'S BUREAU

A CHAPTER IN  
THE HISTORY OF RECONSTRUCTION

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1862-1865  
1866-1869  
1870-1873

## P R E F A C E

This monograph is put forth as an essay in the history of reconstruction in the south. The author has sought to illuminate, in some degree, one of the many phases of that history which have not yet received adequate attention from investigators. He has aimed to give an orderly account of the origin, development, organization, and working of the freedmen's bureau, and to indicate the role which it played in the great drama of reconstruction and the bearing which its activities have had upon the southern situation during the later decades of the last century. In so far as this account shall be found clear and accurate, uncolored by local, political, or racial prejudice, and shall prove serviceable to the student and historian of the problems and period with which it deals, it will have attained the object for which it was published.

The writer here takes pleasure in acknowledging his obligation to the following persons for the prompt and courteous responses which they have accorded to his letters and queries and the important information which they have contributed: Hon. R. H. Battle, of Raleigh, N. C.; Professor K. P. Battle, of the University of North Carolina; the late Dr. J. L. M. Curry of Washington, D. C.; General O. O. Howard, of Burlington, Vt.; Hon. R. A. Hill, of Oxford, Miss.; General Stephen D. Lee, of Mississippi; Professor F. L. Riley, Professor J. G. Deupree, and Professor R. M. Leavel, of the University of Mississippi; General Wager Swayne, of New York; and Dr. T. G. White of Beaufort, S. C.

More especially is acknowledgment due to Professor Edward G. Bourne of Yale University, at whose suggestion and under whose direction this work was prepared; to



Professor W. A. Dunning of Columbia University, who has kindly read the manuscript and offered valuable comments and criticism; and to Professor Isaac A. Loos of the State University of Iowa, who has assisted in the final revision and publication.

PAUL SKELLS PEIRCE.

Iowa City, Iowa,  
February 20, 1904.

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## CHAPTER I

### ANTECEDENTS

At the outbreak of the civil war, the result of the contact of the slaves with northern and southern armies could not be accurately foretold. Most thoughtful men saw, however, that in the confusion and social disorder consequent upon military invasion, the negro must inevitably assume an important role. Many at the south feared slave insurrection. Many at the north hoped for universal emancipation. Both believed that the contact of soldier with slave was fraught with far-reaching possibilities. But it was only with the advance of the invading armies farther and farther into southern fields that the significance of the negro as an element in the contest became more exactly defined and more generally apparent.

At first cautiously and in small numbers, and later by hundreds, slaves came to the federal camps for protection, subsistence, or mere gratification of idle curiosity. Some were fleeing from their masters. Some had been left on plantations whence their masters had been driven by union arms or confederate conscription. Some came of their own motion; others were lured from their homes by overzealous abolition soldiers.<sup>1</sup> All these came penniless, ignorant, inexperienced in directing the labor of their own hands. Believing the union army an army of emancipation and filled with confidence in the northern soldiers, they sought with them the protection formerly afforded by their masters.

1. Gordon, War Diary, 65; Louisville Daily Democrat, Nov. 26, '63.



Another class of negroes had remained contented upon the plantations which their masters had deserted. In many instances they had been left with a liberal supply of clothing, with comfortable houses, and with a growing or harvested crop. Then the union army came and took possession of the region. Perhaps soldiers, camp followers, and adventurers plundered the plantation and appropriated its supplies. Even when left unmolested, the bondsmen usually proved incompetent as farm superintendents.<sup>1</sup> The helplessness of the negro on the plantation was almost as complete as that of the fugitive in the camp.

The negro question now pressed itself upon the northern mind with greater vividness and urgency than ever before. These creatures must be fed, clothed, and usefully employed; they ought to be educated, intellectually and morally. Many at home and in the field gave the situation their gravest consideration. But those most active in early efforts to solve the problem may be roughly grouped under three heads: (1) military commanders; (2) officers of the treasury department; (3) members of northern benevolent and religious societies. They aimed to provide for the temporal wants of the negro, to promote justice, to organize labor, and to afford adequate education. A sketch of their tentative measures forms a very natural preface to a treatise on the freedmen's bureau, for they suggested the essential features of that bureau and afforded valuable experience for the guidance of the framers of the freedmen's bureau bill. Furthermore, it was the aid associations that first recognized the necessity of one national organization for the control of freedmen and that labored most persistently for its establishment.

1. *Newbern Daily Progress*, Nov. 17, 1862; MS. Letter of Dr. T. G. White, Beaufort, S. C., Nov. 29, 1899.

### I. Action of Military Commanders

The slave question presented peculiar difficulties to the general in the field. The avowed policy of the administration was that of non-interference with slavery in the states and of enforcement of the laws, including the fugitive slave act. At the north, public opinion was divided, but the decided majority doubtless sympathized with the government in this avowal. Still, with the progress of the war, the argument from military necessity increased in force. The early date, however, at which the question of dealing with fugitives and refugees presented itself and the strong desire and necessity of conciliating the border states, prevented the war department from promptly formulating a general policy. So each commander was left largely to his own discretion.

Under these circumstances it was idle to hope for uniformity of action. The tenor of a general's orders was determined by his personal opinions, his political bias, and his military training. The treatment of the black man at the hands of an army of regulars and volunteers, of republicans and democrats, of abolitionists and pro-slavery men, of men of different temperaments and different conceptions of a soldier's duty, was bound to present infinite variety.

The union officers may be divided into three groups: (1) those who opposed abolition and wished to leave slavery as it was before the war; (2) those radicals who believed it their duty to free the slaves by proclamation; (3) those who opposed rash abolition measures, but who proposed to relieve suffering wherever possible and at the same time to injure the confederacy by encouraging and supporting fugitives.

In the early part of the war, the commonest practice, especially among regular army officers, was to protect property in slaves. Some officers discouraged insubordination

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and rebellion among slaves.<sup>1</sup> Some forbade slaves to enter union lines.<sup>2</sup> Some returned fugitives to their masters or drove them beyond the line of sentinels.<sup>3</sup> Some allowed masters to visit union camps in search of fugitives.<sup>4</sup> Some employed slaves about their camps, but refused to pay them on the ground that their masters would have a claim against the government for their services.<sup>5</sup> Examples of orders of this tenor might be multiplied almost indefinitely. Such practices were repeatedly denounced by the anti-slavery faction, as voluntary patronage of slavery, degrading to the army, injurious to the administration, and offensive to God.<sup>6</sup>

Many military officers shared these opinions. They obeyed pro-slavery orders under protest, or merely simulated obedience while secretly aiding the escape of fugitives or concealing them from pursuers.<sup>7</sup> The bolder and more radical generals openly and ostentatiously scouted the idea of "slave-catching." Foremost among this radical class stood John C. Fremont. He would have made free all slaves of armed rebels and of active supporters of the confederacy within his department.<sup>8</sup> General Hunter went still further. He not only declared the slaves of Georgia, Florida, and

1. Howard, *Freedmen during the War* (in *New Princeton Review*, I, 373); *Chaplain Quint* (in the *Congregationalist*, July 25, 1862).

2. Gen. Halleck, *War of Rebellion Off. Records*, Series I, Vol. VIII, p. 370; Talbot, *McPherson, History of Rebellion*, 245; Gen. Dix, *Moore, Rebellion Record*, III, 376; Gen. T. Williams, *Greeley, American Con- stit.*, II, 246; also *Amn. Cyclopaedia*, 1862, p. 754.

3. Talbot, *Nicolay and Hay*, IV, 391; Gen. Williams, *McPherson, Rebellion*, 251; Gen. Buell, *Williams, Negro Race*, II, 246.

4. Gen. Hooker, *McPherson, Rebellion*, 250.

5. Forman, *Western Sanitary Commission*, 111.

6. *Moore, Rebellion Record*, III, Part II, p. 163; *Baltimore American*, cited in *Williams, Negro Race*, II, 244.

7. Howard, *Freedmen during the War*, in *New Princeton Rev.* I, 373.

8. *Moore, Rebellion Record*, III, Part II, p. 33; *War of Reb. Off. Rec- ords*, Series I, Vol. III, p. 466-7.

South Carolina free,<sup>1</sup> but raised and equipped negro regi- ments, justifying his action on the ground that they were not "fugitive slaves" but persons whose masters were "fug- itive rebels" and on the broader ground that Secretary Cam- erson had authorized the equipment of all loyal persons and that loyalty knew no distinctions of color.<sup>2</sup> Such enlist- ments would have furnished employment to the able-bodied and enabled them to give service in return for government aid. But the enforcement of the proclamations of Fremont and Hunter, instead of solving the question of fugitives and refugees within union lines, would only have complicated it, by increasing the number for whom provision must be made.

The work of the third group of generals, including But- ler, Sherman, Grant, Wool, and Banks, merits more detailed consideration. Their plans were more ingenious and more practicable and figured prominently in the genesis of the freedmen's bureau.

On May 22, 1861, General Butler arrived at Fortress Mon- roe and took command of the department of Virginia. The following day, three slaves of a confederate officer came into camp. Drawing an analogy from international law, Butler declared them contraband of war.<sup>3</sup> This was a novel and happy disposition of the able-bodied negroes; but soon "contrabands" appeared with their wives and children, dependants to whom the contraband theory could not be applied. So Butler employed the men in building fortifica- tions and paid them in food and supplies for themselves and their dependants. His action was early approved by the

1. *Moore, Reb. Record*, V, Part II, p. 123; *War of Reb. Off. Records*, Series I, Vol. XIV, p. 341.

2. *Ho. Ex. Docs.* 37th Cong. 2nd Sess. Nos. 133 and 143.

3. *Butler's Book*, 256; *Rhodes, Hist. of U. S.*, III, 466; *Pierce, Contra- bands at Fortress Monroe*, in *Atlantic Monthly*, Nov. 1861, p. 626.



secretary of war.<sup>1</sup> But with the rapid increase in the number of fugitives, the question of employing and disposing of them became more urgent and perplexing. Congress had declared free all slaves employed in the military or naval service of the confederacy.<sup>2</sup> Further than this, Butler had no definite instructions. So on July 30, he wrote to the secretary of war, describing the situation, defending his contraband theory, and maintaining that even women and children ceased to be property when abandoned to the union army, and that as free persons the general's duty was to protect and support them.<sup>3</sup> The reply was somewhat unsatisfactory, asserting that military authorities could lay no claim to fugitives and forbidding Butler to interfere with the slaves of peaceable citizens or to prevent voluntary return of slaves.<sup>4</sup> But from the appearance of this letter of July 30, the term "contraband," as applied to negroes, came into general use.<sup>5</sup>

That same fall E. L. Pierce took charge of the "contrabands" at Fortress Monroe, provided them with rations, and put them to work on the entrenchments. Their labor was carefully supervised by Pierce, who reported that they worked well.<sup>6</sup> The number of refugees increased so rapidly, however, that it was suspected that the confederates were sending their "useless people" for the union army to feed.<sup>7</sup> A little later, Chaplain Horace James was made superintendent of negro affairs. Under his supervision negro camps were established, houses erected, negroes

1. War of Reb. Off. Record, Series I, Vol. II, p. 53; McPherson, *Rebellion*, 246.

2. Statutes at Large, XII, 591.

3. Moore, Record, II, 437.

4. *Ibid.* II, 491.

5. Howard, in *New Princeton, Rev.* I, 377.

6. Pierce, *Contrabands at Fortress Monroe*.

7. *N. Y. Times*, Jan. 13, 1862.

grouped into small villages, and schools and industries fostered.<sup>1</sup>

General Wool succeeded Butler in command of the department of Virginia in October, 1861. He justified the employment of contrabands on the ground of military necessity and promptly issued regulations fixing the hours of labor, rates of wages, and amount of subsistence for those employed in the engineer's, ordnance, quartermaster's and medical departments. Men were allowed \$8 per month and women and children, amounts proportionately less. These wages, however, were not paid directly to the laborer, but were turned over to the quartermaster's department for the support of all freedmen in the district.<sup>2</sup>

In this department harmonious relations were maintained between military authorities and missionary agents.<sup>3</sup> The contrabands seemed to make good use of their advantages and, in the words of Wool, were "made to support themselves."<sup>4</sup> A commission of three officers appointed in 1862 to examine into their condition, reported that they were suffering somewhat from overcrowding and from non-payment of wages, but that they were well fed, well clothed, well taught, and well provided with medicines and hospital service. Still, in General Wool's plan, the commission found much to criticise. One of the most significant objections was that the system was incapable of expansion, because of the expense involved and because the increase in demand for labor in military departments would not keep pace with the increased demand for charity.<sup>5</sup> The continued influx of fugitives and the extension of federal lines of occu-

1. Howard, in *Princeton Rev.* I, 383.

2. Ho. Ex. Docs. 37th Cong. 2nd. Sess. No. 85, p. 2; McPherson, *Rebellion*, 246.

3. *American Missionary*, April, 1862.

4. Nicolay and Hay, IV, 306 (Letter of Wool to Lincoln); *Annual Cyclopaedia*, 1862, p. 757.

5. Ho. Ex. Docs. 37th Cong. 2nd. Sess. No. 85, p. 11.





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pation in North Carolina and Virginia soon demonstrated the validity of this criticism. The successors of General Wool found re-organization of contraband affairs necessary. Under General Foster, the supervision of contrabands in Virginia was divided among three superintendents, who began to establish contraband camps and inaugurated more strict rules concerning wages, labor, and supplies. At Roanoke a unique and successful system of colonization at home was introduced. Negroes were given absolute ownership of small lots and were allowed an unusual measure of self-government.<sup>1</sup> The proximity of the confederate lines, however, precluded the promotion of plantation labor and settlement and, despite these measures of re-organization, the negroes, employers, and missionaries of Virginia and North Carolina suffered from looseness of administration and lack of uniformity of rules and regulations.<sup>2</sup> We shall see that, when General Butler resumed command, he promptly established a system more uniform, more centralized, and more adaptable to new conditions.

\*  
 In November, 1861, General Sherman and Commodore Du Pont captured Port Royal and the Sea Islands. They promptly appealed to government and philanthropists for rations, clothing, and teachers for the "hordes of uneducated, ignorant, improvident blacks" left on plantations and "abandoned to the chances of anarchy and starvation." Their numbers were constantly augmented by fugitives from other regions. They were slothful and indolent and unsettled in mind by the joy which their change of condition brought them. In February, E. L. Pierce was sent as treasury agent to take charge of abandoned lands in that vicinity. In caring for the blacks and in directing their

1. *Congregationalist*, Jan. 16, May 1, June 5, July 3, 1863; *New Eng. Freedmen's Aid Society Report*, 1864, p. 69; *James, Freedmen's Affairs in N. C.*, p. 21.

2. *Congregationalist*, Jan. 16, 1863; *N. Y. Times*, May 7, 1864; *National Freedmen's Relief Assoc. Report*, 1866, p. 10.

labor, he was aided by superintendents chosen by General Sherman. There were two general superintendents: one of administration and agriculture; the other of education. Among subordinates, the region was divided into suitable districts for supervision. The needs of the South Carolina negroes, however, early attracted the attention of the secretary of war, and in June, 1862, the whole matter was transferred to the war department. Mr. Pierce was superseded by the war department agent, General Rufus Saxton. The latter continued the system of superintendents and, by employing the negroes on public works, in the quartermaster's department, and on plantations, he reduced the number dependent on the government for rations and made the majority self-supporting.<sup>1</sup>

\*  
 In the Mississippi valley General Grant encountered similar hosts of slaves. He employed some upon fortifications and heartily co-operated with the work of benevolent societies. In November, 1862, he appointed Chaplain John Eaton, Jr., superintendent of negro affairs in his department, and instructed him to employ these dependants in gathering and marketing the corn and cotton crops and in cutting wood for the government steamers on the river. All were well provided with food, clothing, shelter, and medicine, and the proceeds of the crops were placed to the credit of the government.<sup>2</sup> This has been called the "first systematic effort for the relief of freedmen."<sup>3</sup> It was from this effort, General Grant tells us, that the freedmen's bureau origin-

1. *War of Reb. Off. Records*, Series I, Vol. 6, pp. 205, 222; *Moore, Record*, IV, 130; *Congregationalist*, Feb. 28, 1862; *Ho. Ex. Docs.* 37th Cong. 3rd. Sess. No. 72; *Report of Sec'y of War*, 1861; *New Eng. Fr. Aid Society*, 1864, p. 23; *Botume, First Days among the Contrabands*.

2. *Howard*, in the *Princeton Rev.*, I, 362; *Report of American Missionary Association*, 1863, p. 48; *Raleigh Daily Progress*, April 8, 1863; *Congregationalist*, Oct. 10, 1862.

3. *Ho. Ex. Docs.* 39th Cong. 1st. Sess. No. 11, p. 19.



\* ated.<sup>1</sup> But such statements do injustice to Generals Butler, Wool, and Sherman, in whose plans the germ of the bureau is as clearly visible as in those devised by Grant.

\* So much for the action of commanders prior to the emancipation proclamation. That instrument changed the whole situation: (1) offering assurance of freedom, it gave a new and powerful impulse to the influx of fugitives into union lines; (2) from the standpoint of the federal government, it changed the status of a great number of negroes from that of fugitive slaves to that of freemen; (3) in pledging the "executive government of the United States" "to recognize and maintain" the freedom of these persons, the Lincoln government had assumed a tremendous responsibility. From Maryland to Kansas and along the Atlantic from Norfolk to New Orleans, hundreds of thousands in camps were to be provided with employment and with the necessaries of life, hundreds of thousands on plantations to be protected from the natural prejudice of southerners and the inordinate greed of northerners. The government soon decided upon a general policy of arming the negroes. A bureau of colored troops was created, a school established for training commanders of colored regiments, and able-bodied negroes were urged to join the land and naval forces.<sup>2</sup> By the close of the year, it is estimated that 50,000 had been armed, equipped, and put in the field,<sup>3</sup> and before the close of the war that number had increased to 178,975.<sup>4</sup> Thus many were given useful employment, but the vast majority—and those the most helpless and unproductive—still looked to the army for sustenance and protection!

1. Grant, *Memoirs*, I, 424-6.

2. James, *Freedmen's Affairs in N. C.*, p. 22; Ullman, *Organization of Colored Troops*; Moore, *Rebellion Record*, VIII, 261.

3. *Annual Cyclopaedia*, 1863, p. 426.

4. Williams, *Negro Troops in the War*, 140.

Through invitations sent out by negro scouts, some officers voluntarily swelled this majority.<sup>1</sup>

Lincoln had long advocated negro colonization. He still continued to recommend such a policy.<sup>2</sup> Schemes for colonizing blacks in Africa, South America, Central America, the West Indies, Mexico, and Texas, were seriously discussed.<sup>3</sup> Congress repeatedly appropriated money for colonization<sup>4</sup> and the year 1864 witnessed an expenditure of \$10,692.15 for this purpose.<sup>5</sup> But there was no great desire on the part of the negroes to emigrate, the plan had practically failed, and in 1864 it was abandoned.<sup>6</sup>

January 8, 1863, Charles Ward of Salem, Mass., proposed that, under proper congressional regulations, some two hundred thousand contrabands be formally apprenticed for five years to the constructors of the Union Pacific Railway. General Fremont brought forward a similar project.<sup>7</sup> The secretary of the interior pointed to the three hundred negroes employed on this road in 1863 and urged the advisability of increasing the number.<sup>8</sup> But congress never acted upon these suggestions and the mass of blacks remained in the south. In addition to them, a considerable number of white refugees gathered around the camps, as ignorant, thriftless, and bewildered as the negroes, and even less industrious and useful.<sup>9</sup> What did the military authorities do with these blacks and whites?

In the spring of 1863, the secretary of war appointed a commission of inquiry to investigate the number, condition,

1. Moore, *Rebellion Record*, VIII, 261; Gordon, *Diary*, 65.

2. Nicolay and Hay, VI, 355; *Messenger to Congress*.

3. *Ibid*; *Cong. Globe*, 38th Cong. 1st Sess. p. 672.

4. *Statutes at Large*, XII, 376, 582, 592.

5. *Ho. Ex. Docs.* 38th Cong. 2nd Sess. Vol. 6, No. 3, p. 36.

6. *Statutes at Large*, XIII, 352.

7. Ward, *Contrabands*, p. 5.

8. *Ho. Ex. Docs.* 38th Cong. 1st Sess. Vol. 3, No. 1, p. XVII, XIX.

9. *N. Y. Tribune*, Dec. 26, 1863 [Beaufort (S. C.) Correspondent.]



capacity, and future wants of the freedmen. In their report they detailed a plan for the District of Columbia and the Atlantic states. This region was to be divided into three departments each in charge of a superintendent appointed by the secretary of war. In each department were to be several resident officials of lower rank, appointed by their superiors and confirmed by the secretary of war. Over all was to be a superintendent general of freedmen chosen by the war department from the number of generals in the field. In each residency were to be surgeons, provost judges, and secular and religious schools supported largely by benevolent societies.<sup>1</sup> While it was indorced by many generals commanding in the district for which it was designed, the plan, in its entirety, was never put into operation. But many of its features were embodied in subsequent orders of commanders, and in it we see foreshadowed the centralizing principle of that freedmen's bureau, whose coming the commission awaited with impatience.

In the fall of 1863, General Butler resumed command in Virginia and North Carolina. He organized a department of negro affairs, divided the territory into districts each with a superintendent and requisite assistants, laid down full and definite rules concerning freedmen, encouraged them to buy small plots of land, build cabins, and form negro settlements, and systematized the educational facilities for blacks and whites.<sup>2</sup> While a too liberal issue of supplies may have tended to foster idleness,<sup>3</sup> Butler's plan as a whole seems to have had a salutary effect, introducing order, inculcating self-respect, restoring confidence in the government, and removing friction between missionaries and government agents.<sup>4</sup>

1. Sen. Docs. 38th Cong. 1st Sess. No. 53, p. 16.

2. James, *Freedmen's Affairs*; *New Eng. Freedmen's Aid Society Report*, 1864, p. 23; Moore, *Reb. Reb. Record*, VIII, 261; *Congregationalist*, Jan. 29, April 1, 1864.

3. *N. Y. Times*, July 30, 1864.

4. *Ibid.*, May 7, 1864; *Louisville Journal*, Jan. 7, 1867; James, *Freedmen's Affairs*, 26.

Under General Saxton in South Carolina, more stringent rules concerning the issue of free rations were enforced and negroes were set to work for the government or for white employers and, in some cases, were able to purchase small farms sold by the tax commissioners at merely nominal prices. They suffered, however, from non-payment of wages, contradictory orders of generals, ungenerous action of tax commissioners, and failures of northern adventurers.<sup>1</sup> So trust in the government was shaken and the efficiency of the system impaired.

Sherman's march to the sea brought great numbers of inland negroes to the Atlantic coast, and, after consulting with the secretary of war, Sherman issued his famous Sea Island instructions. Islands south of Charleston and certain other lands were set apart for freedmen, who were protected, allowed to form settlements, and to hold a limited amount of land in possessory title during the war. Domestic and mechanics were permitted to choose their own work and residences, but able-bodied men were urged to enlist.<sup>2</sup> General Saxton was made inspector of settlements and plantations and given general supervision over the negroes. Though this order afterward gave some annoyance to freedmen's bureau officials, it did much to relieve the destitute, disperse idle masses from towns and cities, foster education, and inaugurate a system of industry.<sup>3</sup>

Some of the more important orders relating to freedmen along the Atlantic seaboard have been outlined. In that region the general usually had to deal with two factors only: the escaped or abandoned black or white, and the abandoned or confiscated plantation. He could organize labor

1. *Louisville Daily Democrat*, June 6, 1863; *N. Y. Times*, Oct. 17, 1863; *Congregationalist*, June 2, 1863; *Charleston Mercury*, Jan. 19, 1864; *American Missionary Assoc. Report*, 1864, p. 16; *New Eng. Fr. Aid Society Report*, 1864, p. 16.

2. *Ho. Ex. Docs*, 39th Cong. 1st Sess. Vol. 7, No. 11, p. 10.

3. Howard, in *New Princeton Rev.* II, 237. —

*See also*  
*quoting*



on these lands without meeting strenuous opposition. But in the Mississippi valley, in many cases master and slave still stood face to face, and the general had the additional task of equitably regulating the relations between them.<sup>1</sup> For this reason the action of Generals Grant and Banks is peculiarly interesting to the student of the freedmen's bureau, whose officers were soon to face the same problems in a more extended field.

Early in 1863 Adjutant General Thomas was sent to organize negro troops in the Mississippi valley. He then learned something of the social and industrial conditions of that region. Consequently, after consultation with high officials, he appointed commissioners to superintend the leasing of plantations, enforcement of contracts, and the moral and intellectual instruction of the freedmen there. Terms of leasing land and hiring negroes were prescribed, wages fixed, provision for the temporal wants of laborers required, hospitals established, and humane treatment insisted upon.<sup>2</sup>

After the fall of Vicksburg Grant found the number of idle and destitute in his department greatly increased. Accordingly, he issued a series of orders culminating in a detailed and comprehensive plan for the care of freedmen and the regulation of their labor. At all military posts, camps were established for the unemployed, officers designated to distribute supplies, provide employment, and attend to contracts, seeing that wages were reasonable, treatment humane, and families not separated.<sup>3</sup> Later Adjutant General Thomas supplemented this by an order forbidding negroes to remain idle, advising women and children to stay on plantations controlled by federal troops, promising protection to negroes, and permitting occupants of plantations

1. McKaye, *Emancipated Slave Face to Face with his Old Master*.

2. *Annual Cyclopaedia*, 1863, p. 428.

3. Moore, *Reb. Record*, VIII, 479; *Annual Cyclopaedia*, 1863, p. 429.

to employ negroes in any capacity best suited to their ability.<sup>1</sup>

These orders embody the main features of the policy adopted for this region in 1863. For a time at least, Thomas was pleased with the result.<sup>2</sup> But before the year was over it was seen that the object had not been fully accomplished. Although crops were destroyed by the "army worm," the troops, and guerilla bands, the plan generally inured to the benefit of the lessee or planter. The negroes are said to have suffered from the injustice of adventurous employers, from the partiality of federal commissioners, from poverty, overcrowding, and disease. Many became restless, thieving, and indolent.<sup>3</sup> Near the close of the year the whole matter of camps, leasing of plantations, and employing freedmen was transferred to the treasury department.

Colonel Eaton,<sup>4</sup> still superintendent of negro affairs in Tennessee and Arkansas, found similar frauds, bickerings, and abuses prevalent in schools, on plantations, and on public works. So, in accordance with orders from the secretary of war, he chose local school superintendents and a general educational officer, issued some sound rules for the management of educational affairs, established sewing and other industrial schools, and introduced a school system which was recognized as the largest and most effective in the military districts of the south.<sup>5</sup> He appointed a general officer

1. Moore, *Reb. Record*, VII, 480.

2. *N. Y. Tribune*, Nov. 12, 1863.

3. *Annual Cyclopaedia*, 1863, p. 429; *New Princeton Rev.* II, 241; *Ferman, Western Sanitary Commission*, 115; *New Eng. Freedmen's Aid Soc. Report*, 1864, p. 39; *Eaton, Report*, 1864.

4. A young chaplain of an Ohio regiment, native of New Hampshire, and ex-superintendent of schools in Toledo.—*Bureau of Education, Circular of Information*, 1892, No. 1, p. 78.

5. *Eaton's Report*, 1864; *Curry, Negro since 1860*, p. 10; *Warren, Colored Schools of Miss. Ark. and Tenn.*; *Mayo, Southern Women in Recent Educational Movement*, 78; *Parrish, Negro Question*, 4.





charged with the control of property and assistant superintendents to supervise the registration of negroes, contracts for labor, negro industry in camps, location of camps, and the care of the infirm, vagrant, and idle on plantations. In November a surgeon was detailed as medical director and inspector of freedmen's hospitals, camps, and colonies. All these officers co-operated with the missionaries. They were generally efficient, the negroes of Tennessee at least seem to have been more ambitious than those in many quarters,<sup>1</sup> and Eaton's efforts, though brief, were notably successful.<sup>2</sup>

When, in 1862, General Butler entered New Orleans, he found that the negroes equalled or greatly outnumbered the whites in most of the parishes in his command. The blacks swarmed about the camps thinking that a part of the errand of the troops was emancipation. The general was forbidden either to drive them away or to set them free. They were too numerous to be disposed of by an epigram as at Fortress Monroe.<sup>3</sup> So, under authority of the war department<sup>4</sup> and of the confiscation act,<sup>5</sup> Butler recruited colored regiments, aided the needy, organized colonies of fugitives, and, through the sequestration commission,<sup>6</sup> regulated the employment of blacks and whites by the government and by peaceable planters. The specified forms of contract at first bred dissatisfaction. This, however, was partially explained away, and many negroes were employed.<sup>7</sup> Still the problem was by no means solved; for, when General

1. *New Eng. Freedmen's Aid Society, Report, 1864*, p. 45.

2. H. M. Doak, *Development of Education in Tennessee*. (*In Am. Hist. Mag.* Jan. 1903, p. 84).

3. Parton, *Butler in New Orleans*, 130.

4. McPherson, *Rebellion*, 252.

5. *Statutes at Large*, XII, 569.

6. Commission appointed to take charge of confiscated property.

7. Moore, *Reb. Record*, VI, 190; *N. Y. Times*, Jan. 16, 1863; *Congressionalist*, Dec. 5, 1862.

Banks took command, he reported "suffering, disease, and death everywhere" among the 150,000 negroes within his jurisdiction. "The protection of the army, the relief of government, the support of the people, and considerations of public health demanded," said he, that they should be separated and employed. Accordingly, Jan. 30, 1863, he issued a general order making labor on public works or elsewhere compulsory for persons who had no other means of supporting themselves and their families. The sequestration commission were, upon conferring with planters and other parties, to establish a yearly system of negro labor, under which "all the conditions of continuous and faithful service, respectful deportment, correct discipline, and perfect subordination," were to be "enforced on the part of the negroes, by officers of the government," and the wages of labor were to constitute a prior lien upon its products. Idle negroes were to be employed in harvesting the crops and tilling the fields on abandoned estates.<sup>1</sup> After much consultation the commission and the planters failed to agree upon any general policy<sup>2</sup> and Banks established a commission of enrolment to whom were referred all questions relating to the negroes of the district. Provost marshals were ordered to arrest all idlers and engage them on the public works without other pay than their rations and clothing.<sup>3</sup>

Under this arrangement some plantations were successfully managed and the number of vagrants decreased. But too often the negro suffered from injustice, bad faith, and fraud.<sup>4</sup> Northern philanthropists regarded the system as a "re-enactment of slavery."<sup>5</sup> The planter was perplexed by

1. Banks, *Emancipated Labor in Louisiana*, 33.

2. *N. Y. Times*, Feb. 3, Feb. 23, April 17, 1863.

3. Moore, *Reb. Record*, VII, 480.

4. Conway, *Report on Condition of Freedmen of Dept. of Gulf*; *N. Y. Times*, Oct. 17, 1863.

5. *New Eng. Freedmen's Aid Soc. Report, 1864*, p. 46; Conway, *Final Report of Bureau of Labor, Dep't of Gulf, 1863*, p. 7.



the frequent supplementary orders of General Banks concerning freedmen. Moreover, it was apparent that the ever-increasing number of idle negroes could not be profitably employed on public works, and that the laborer must depend upon the individual planter for employment. Under the circumstances, Banks deemed it unsafe to leave employer and laborer free to make their own contracts. So he despatched fifteen or twenty of the most intelligent colored men into the various parishes to find out the wishes of their fellows. Their report requested protection against flogging, against employment by masters who had abused them, and against separation of families; and provision for reasonable wages and for the education of their children.<sup>1</sup>

\* ↓ All these protections and provisions were embodied in Banks' labor order of February 3, 1864.<sup>2</sup> The parishes were divided into school districts, each with a school under the general direction of a superintendent of education. Laborers were free to choose their own employers, but were held to service for one year. The hours of labor were fixed; besides healthful rations, clothing, quarters, medical attendance, schooling for children, and a plot of ground for cultivation, each was to receive from \$3 to \$8 as wages, for whose payment the employer's crop stood pledged. Flogging, separation of families, commutation of wages, sale of whiskey to negroes, undue influence with provost marshals, and unauthorized purchase of property from negroes, were forbidden. Provision was made for a free labor bank, in which is seen the germ of the later freedmen's savings banks. During the summer several supplemental orders were issued,<sup>3</sup> and a bureau of free labor established, which

1. Banks, *Emancipated Labor in Louisiana*.

2. *Ibid.* p. 37; Moore, *Reb. Record*, VIII, 370.

3. *N. Y. Times*, Oct. 7, 1864; Banks, *Emancipated Labor*, 42; Conway, *Reports*.

continued under the supervision of Chaplain Conway until the freedmen's bureau went into operation.<sup>1</sup>

This system probably attracted more attention than that of any other commander. It was highly praised and harshly criticized. It was imitated by other generals. General Banks, Superintendent Conway and other witnesses of its operation, pronounced it beneficial and profitable to laborer, planter and government, since the employer was assured of a year's labor, the laborer was assured of justice and the government was relieved of the burden of supporting the negroes employed.<sup>2</sup> The planter, however, complained that under it insubordination was fostered among the negroes and not enough produce raised to meet the running expenses of the plantation.<sup>3</sup> The northern philanthropist contended that it kept the negro in subjection and failed to protect him against the combined oppression of provost marshal and planter. Whatever the intention of the framer and however successful in individual cases, it must be admitted that General Bank's plan was not eminently satisfactory. In theory it was severe but fair; in practice it too often failed to protect the laborer, to profit the planter, or to bring about the expected increase in production. It did enforce industry and aid the government by diminishing the number of paupers.

August 29, 1863, General Banks had given the commission of enrolment full charge of negro education. A month later he ordered that young military officers be made regimental instructors of the corps d'Afrique.<sup>4</sup> Early in 1864

1. Conway, *Reports*.

2. Banks, *Emancipated Labor*, 15; Conway, *Report*, 1864; *N. Y. Times*, Aug. 13, 1864.

3. *Ibid.* Oct. 7, 1864, Nov. 5, 1864; Jan. 13, 1865, *Louisville Daily Democrat*, Apr. 10, 1865, contains quotations of *Prices Current* showing that in no parish in Louisiana was produced, under this system, one-tenth as much as under the slave system.

4. Banks, *Emancipated Labor*, 26.



the commission of enrolment was superseded by a board of education for freedmen, empowered to establish schools, employ teachers, erect school houses and regulate courses of study—all of which work was to be largely supported by a tax on all real and personal property.<sup>1</sup> This was the first regular attempt to tax the southern people for the support of a system of free schools.<sup>2</sup> The schools suffered much from prejudice, poverty and disease, but the teachers were usually competent, and the system met with great favor among the blacks.<sup>3</sup> They willingly paid their small share of the tax and even asked for an increase.<sup>4</sup> The system continued until December, 1865, and under it 55,000 colored persons were taught to read.<sup>5</sup>

By no means all the attempts of commanders to dispose of the negro during the war have been mentioned. At Roanoke, in northern Alabama, along the Potomac, in the District of Columbia, in various parts of the disaffected region, plans were devised and negro camps, schools and systems of industry established.<sup>6</sup> The list might be long continued. But the plans already described were among the most prominent and serve well to illustrate the action of the army with reference to freedmen and refugees.

## II. Action of Treasury Department

After the capture of Port Royal and the Sea Islands, Secretary Chase appointed Lieutenant W. H. Reynolds to collect

1. Report of Board of Education, Dept. of Gulf, 1864, p. 22.
2. Mayo, *Southern Women in Recent Educational Movement*, 60.
3. Reid, *After the War*, 246; Ho. Ex. Docs. 41st. Cong. 2nd. Sess. No. 142, p. 11; *Congregationalist*, Aug. 12, 1864.
4. Curry, *Negro since 1860*, p. 16.
5. Mayo, p. 60.
6. Moore, *Record*, VII, 341; Howard, in *Princeton Rev.*, I, 381; *Statutes at Large*, XII, 407, 537, 796; James, *Freedmen's Affairs*, 60; *Am. Missionary*, Aug. 1864; p. 202; *Congregationalist*, Oct. 21, Nov. 6, Dec. 4, 1863; *N. Eng. Freedmen's Aid Soc. Rept.* 1864, pp. 35, 41.

the cotton on the islands and ship it to New York. Through him Chase learned the necessity of some provision for the negroes and for the cultivation of abandoned lands. So November 30, 1861, he sent E. L. Pierce to assist Reynolds in collecting abandoned property, to take a census of the negroes and to organize them into bands for gathering and marketing the crops. Mr. Pierce was to keep pay-rolls of negroes employed, assure them of reasonable wages, furnish the plantation with stock and implements as needed, to keep a record of all these transactions and make weekly reports to the treasury department.<sup>1</sup>

By February, 1862, these agents had taken possession of 195 plantations on which were 8,000 to 12,000 negroes and 2,500,000 pounds of cotton. Pierce gained the confidence of the negroes, advised them to stay on the plantations, furnished each with food and a patch of ground for a garden, exhorted them to industry and good conduct and promised education for their children. General Sherman fixed the rates of wages. At Pierce's suggestion, several hundred negroes were collected into camps under the general direction of the quartermaster and under the immediate supervision of benevolent men who supplied the negroes with clothing captured from confederates, enforced discipline, required a certain amount of labor, established schools and sought to inculcate better habits of life.<sup>2</sup> February 19, Pierce was given general superintendence of all persons employed on plantations. Teachers and superintendents were furnished by benevolent societies and the season's work opened auspiciously. But lack of funds, lack of tools, lack of seed and lack of confidence in the government, caused some embarrassment. Nevertheless a better system of administration and industry was developed<sup>3</sup> and

1. Ho. Ex. Docs. 37th Cong. 3rd. Sess. Vol. 7, No. 72, p. 1.
2. Pierce, Report to Chase, Feb. 3, 1862; Moore, *Record*, Companion, 1861-4, p. 302-315.
3. *Ibid.* 320.



on June 28, 1862, when the work was transferred to the war department, the account showed a balance on hand of more than half a million.<sup>1</sup> Friction, however, which early arose between Pierce's agents and the missionaries on the one hand, and the military officers and cotton agents on the other, proved a serious hindrance.<sup>2</sup> Then, too, as the novelty of the arrangement wore off, the number of non-effective hands rapidly increased. The experiment was abandoned by General Hunter. Large numbers turned again to the government for support and before General Saxton put his plan into operation the moral and industrial condition of the laborers was reported to be deplorable.<sup>3</sup>

All these steps had been taken without the sanction of congress. But March 3, 1863, an act was passed authorizing the secretary of the treasury to appoint special agents to collect captured and abandoned property in the insurrectionary states.<sup>4</sup> Accordingly military officers turned over to the treasury department all such property that had come into their hands. The plantations around Port Royal and Beaufort were disposed of at tax sales. Some of the smaller, and subdivisions of the larger, ones were purchased by negroes. But the greater number went to northerners, who hired negroes to cultivate them.<sup>5</sup> In North Carolina some turpentine farms were leased to negroes who managed them, or to whites who employed negroes.<sup>6</sup>

September 11, 1863, the whole southern region was divided into five special agencies, each with a supervising agent and requisite special agents. Mr. Shuckers says:

1. Ho. Ex. Docs. 37th Cong. 3rd Sess. Vol. 7, No. 72, p. 2.
2. Hughes, Forbes, I. 300.
3. Annual Cyclopaedia, 1862, p. 756.
4. Statutes at Large, XII, 820.
5. Annual Cyclopaedia, 1863, p. 430; American Missionary, Nov. 1863.
6. James, Freedmen's Affairs, 5.

"It was this small beginning which resulted in the creation of the freedmen's bureau."<sup>\*</sup>

Late in 1863 President Yeatman of the western sanitary commission visited the camps and hospitals where freedmen were collected in the Mississippi valley. He noted the abuses of the leasing system and the great need of care for dependants. So in his report to the commission he suggested a plan for the organization of freed labor and the leasing of plantations along the Mississippi. It provided for a bureau or commission appointed by the government to take charge of leasing land, to secure justice and freedom to freedmen, and to encourage respect for the customs of virtuous and civilized life. Each commissioner should be assigned a limited district and authorized to appoint superintendents, to fix wages of laborers, to examine and approve contracts, and to see that they were observed. Under the superintendents should be supervising agents. Infirmity farms should be maintained as places for the registration of freed people, as homes for very young, aged, and infirm negroes, and as employment bureaus conducted by superintendents. Schools should be established on which attendance was compulsory. Cruel punishment should be forbidden, family relations regulated, and medical attendance provided. The able-bodied should be compelled to work and encouraged to secure permanent homes. Besides wages, laborers should have good quarters, food, and clothing, and all disputes between employer and laborer should be settled by the superintendent.<sup>1</sup>

The treasury department had already been given jurisdiction over freedmen, refugees, and confiscated lands. So at the request of the sanitary commission, Yeatman presented his plan to the secretary of the treasury. That official heartily approved of the measure and urged Yeatman

1. Life of Chase, 328.
2. Yeatman, Report, Dec. 17, 1863.





to accompany Mr. Mellen, the special supervising agent of the department, to Vicksburg and aid him in maturing it and carrying it into effect. Yeatman accepted the trust and his plan was adopted almost in its entirety.<sup>1</sup> At first it met with strong opposition from the lessees, but it was finally acquiesced in and proved the most satisfactory plan that had been tried in that region.<sup>2</sup> It was later taken as a model for a more comprehensive system applicable to all the insurrectionary states.

*most of the time to the freedmen.*

The act of July 2, 1864, authorized the treasury agents to seize and lease for one year all captured and abandoned estates within the insurrectionary district and to provide for the welfare of former slaves. Property, real and personal, was declared abandoned when the lawful owner was absent aiding the rebellion.<sup>3</sup> In accordance with this act, Secretary Fessenden issued a new series of regulations, relating to freedmen and abandoned property. General supervision of both was to be in the hands of a general agent. The rebellious states were to be divided into seven districts, each in charge of a special agent who established home colonies, attended to rents and other financial matters, and made monthly reports. To each special agency were assigned the requisite number of special agents to carry out the details of the business. To encourage industry and self-reliance, certain tracts in each district were set apart for the exclusive use and cultivation of freedmen. Each of these reservations, called freedmen's labor colonies, was under the direction of the superintendents. Schools were established both in the home colonies and in the labor colonies. The further provisions of the new regulations were not essentially different from those of the Yeatman plan.<sup>4</sup>

1. Yeatman, Report, Feb. 11, 1864; Forman, Western Sanitary Commission.

2. Ibid. 120; Annual Cyclopaedia, 1863, p. 430; Mellen, Report, 1864.

3. Stat. at Large, XIII, 375; Secretary of Treas. Report, 1864, p. 342.

4. Secretary of Treasury, Report, 1864, pp. 294-324.

Naturally after a few months' experience, the details had been more carefully worked out, so that in the new regulations we find the Yeatman plan more complete, more thoroughly systematized, and better adapted to a broad range of territory.

The new system went into operation in the winter of 1864-5. For a long time it seems to have worked well along the Atlantic and in the Mississippi valley.<sup>1</sup> In the department of the Gulf, however, there was discord between the treasury agents and the military authorities and among the treasury officials themselves. The inevitable result was inconvenience and loss of efficiency of governmental aid.<sup>2</sup> The treasury agents became corrupt despite the efforts of the secretary to prevent corruption.<sup>3</sup> This series of regulations, however, remained in force until the freedmen's bureau was organized in 1865.

### III. Work of Religious and Benevolent Societies

Side by side with the federal officials and co-operating with them in their efforts to relieve suffering and promote industry, education, and morality, were the representatives of various religious and benevolent organizations at the north. These were voluntary associations supported by churches or by individual subscription. Certainly their workers were as zealous and their work as important as those supported by the government itself.

The first of these organizations to turn its attention to the needs of the freedmen and refugees was the American missionary association. It was already engaged in missionary work. Its organization was complete and its machinery in operation. So, when its members received letters from

1. Howard, in Princeton Rev. II, 342; Ho. Ex. Docs. 39th Cong. 1st Sess. N. 11, p. 26.

2. Conway, Final Report of Bureau of Free Labor, p. 9.

3. Schuckers, Life of Chase, 328.



General Butler and E. L. Pierce, pointing out the needs of the negroes at Fortress Monroe, they were prepared to respond promptly. Before the end of the year, 1861, they had several representatives in the field distributing clothing and giving secular and religious instruction. Eighteen hundred negroes were under their charge.<sup>1</sup> In 1862 and 1863 the work was rapidly extended. Missions and schools were established at Fortress Monroe, Hampton Roads, Newport News, Portsmouth, Suffolk, Yorktown, and Norfolk, in Virginia; at New Berne, North Carolina; at Port Royal, Beaufort, Hilton Head, and St. Helena, South Carolina; at St. Louis, Missouri; Cairo, Columbus, Memphis, Corinth, and Camp Shiloh, on the east side of the Mississippi. Some of its agents were employed as farm superintendents, some aided in taking a census of the negroes, some had charge of orphan asylums. More than seven thousand children were connected with the day and night schools and five thousand with the Sabbath schools.<sup>2</sup> In 1864 their work was continued, and before the close of the war it had reached freedmen in the District of Columbia, Florida, Louisiana, southern Mississippi, and Kansas.<sup>3</sup> After the war the association was prominent in the educational work supervised by the freedmen's bureau.

The letters of Pierce, Dupont and Sherman had aroused the sympathies of the whole north. Churches and missionary societies of all denominations hastened to enter the newly opened field.<sup>4</sup> The New York yearly meeting of Friends chose a committee to investigate the condition of southern negroes and refugees and the meeting contributed liberally to their relief.<sup>5</sup> The American tract society estab-

1. American Missionary Association, Report, 1861; American Missionary, Jan. 1862, p. 14.

2. American Missionary Association, Report, 1863.

3. *Ibid.* 1864; American Missionary, 1864 and 1865.

4. Abbott, *Results of Emancipation*, p. 26.

5. *Report of Meeting*, 1863.

lished schools and conducted religious services in the camps around Washington.<sup>1</sup>

But besides these pre-existing organizations, new societies were formed in all parts of the country for the express purpose of aiding the freedmen. On February 4, 1862, an educational commission for freedmen was organized in Boston "for the industrial, social, intellectual, moral and religious improvement of persons released from slavery during the war." It had been suggested by the letters of Pierce, and during the first year its labors were confined chiefly to Port Royal, South Carolina, where Pierce was stationed. Schools were established and large tracts of land purchased by benevolent persons and cultivated by old men, women and children, under the direction of an agent of the commission.<sup>2</sup> In that year fifteen hundred dollars were expended besides liberal donations of clothing and supplies. In later years the name of the commission was changed to that of the New England freedmen's aid society and its operations extended to all the southern states. But its aim remained the same: to relieve bodily suffering; to organize industry; give instruction in the rudiments of knowledge, morals, religion and civilized life; to inform the public of the needs, rights, capacities and disposition of the freedmen.<sup>3</sup>

February 22, 1862, the national freedmen's relief association was formed in New York City. Its work began in South Carolina and for the first year was confined to the Atlantic slope; but, like the educational commission, its field gradually broadened so as to embrace the whole south.<sup>4</sup>

The same year witnessed the advent of the Port Royal relief committee of Philadelphia (later known as the

1. *Congregationalist*, Dec. 4, 1863.

2. *Educational Commission, First Annual Report*.

3. *New Eng. Freedmen's Aid Society, Report, 1864*.

4. *National Freedmen's Relief Association, Reports, 1862, 1864, 1866*.



Pennsylvania freedmen's relief association), the national freedmen's relief association of the District of Columbia, contraband relief association of Cincinnati, (later called the western freedmen's commission), the woman's aid association of Philadelphia and the Friends' association of Philadelphia for the relief of colored freedmen. The number of these aid societies rapidly increased. 'Soon we hear of the work of the northwestern freedmen's aid commission, the contraband relief society of St. Louis, the Nashville refugee aid society, Arkansas relief committee of Little Rock, the Washington freedmen's society and similar organizations in New Haven, Worcester, Trenton, Raritan and other smaller cities. The Christian commission organized primarily for the benefit of soldiers, later directed its attention to the negroes.<sup>1</sup> This relief work was taken up in Europe also. In England the union emancipation society of Manchester and the London freedmen's aid society were active in raising funds for the American freedmen and, through the New England freedmen's aid society, much was received also from France and Ireland.<sup>2</sup>

All these American associations were perfectly distinct and independent in organization and in action. They did not always work in harmony and unhealthy rivalry sometimes counteracted much of their influence for good.<sup>3</sup> It was early seen that economy and efficiency would be greatly increased by unity and systematic co-operation.<sup>4</sup> So delegates from the national freedmen's relief association of New York, the educational commission for freedmen of Boston, the Pennsylvania freedmen's relief association of Philadelphia, the western freedmen's aid commission of Cincinnati

1. The Congregationalist, April 22, 1864; New Eng. Fr. Aid Soc. Rept. 1864, p. 11.

2. American Missionary, June, 1863; New Eng. Fr. Aid Soc., Report 1864, pp. 4, 11; Abbot, Results, p. 17; American Freedman, Jan. 1868.

3. Congregationalist, Dec. 30, 1864.

4. Abbot, Results of Emancipation, 14.

and the northwestern freedmen's aid commission of Chicago, met at Washington and formed the United States commission for the relief of the national freedmen. Its objects were to secure harmonious and united action, to increase the economy and thoroughness of operations, and especially to influence congress toward legislation favorable to the freedmen.<sup>1</sup>

Early in 1862, at the request of the secretary of the treasury, a meeting of the representatives of the New England, New York and Philadelphia associations was held for the purpose of forming a union. Their object was not, however, accomplished until March 22, 1865, when the American freedmen's union commission was incorporated with branches in New York, Boston, Philadelphia, Baltimore, Chicago, Detroit, and San Francisco. Among its officers were Chief Justice Chase, W. L. Garrison and Lyman Abbot. Its object was to centralize the administration of freedmen's affairs and to make a suitable and economical division among the local organizations of the work in which they were all interested. This union commission was in turn incorporated into the American union commission which had been formed in 1864 to aid in the restoration of the union upon the basis of freedom, industry, education and Christian morality.<sup>2</sup> It ultimately embraced all the undenominational organizations engaged in the education of the colored people.<sup>3</sup>

In 1861 two larger voluntary organizations of civilians were formed for the purpose of reducing suffering and mortality among the soldiers. One was the western sanitary commission located at St. Louis; the other the United States sanitary commission with headquarters in Washington and branches in New York, Boston, Philadelphia, Bal-

1. Report of N. Y. National Freedmen's Relief Association.

2. American Union Commission, Origin, Operations and Purpose.

3. Abbot, Results, p. 15; American Freedmen, Jan. 1868.

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on June 28, 1862, when the work was transferred to the war department, the account showed a balance on hand of more than half a million.<sup>1</sup> Friction, however, which early arose between Pierce's agents and the missionaries on the one hand, and the military officers and cotton agents on the other, proved a serious hindrance.<sup>2</sup> Then, too, as the novelty of the arrangement wore off, the number of non-effective hands rapidly increased. The experiment was abandoned by General Hunter. Large numbers turned again to the government for support and before General Saxton put his plan into operation the moral and industrial condition of the laborers was reported to be deplorable.<sup>3</sup>

All these steps had been taken without the sanction of congress. But March 3, 1863, an act was passed authorizing the secretary of the treasury to appoint special agents to collect captured and abandoned property in the insurrectionary states.<sup>4</sup> Accordingly military officers turned over to the treasury department all such property that had come into their hands. The plantations around Port Royal and Beaufort were disposed of at tax sales. Some of the smaller, and subdivisions of the larger, ones were purchased by negroes. But the greater number went to northerners, who hired negroes to cultivate them.<sup>5</sup> In North Carolina some turpentine farms were leased to negroes who managed them, or to whites who employed negroes.<sup>6</sup>

September 11, 1863, the whole southern region was divided into five special agencies, each with a supervising agent and requisite special agents. Mr. Shuckers says:

1. Ho. Ex. Docs. 37th Cong. 3rd Sess. Vol. 7, No. 72, p. 2.
2. Hughes, Forbes, I. 300.
3. Annual Cyclopaedia, 1862, p. 756.
4. Statutes at Large, XII, 820.
5. Annual Cyclopaedia, 1863, p. 430; American Missionary, Nov. 1863.
6. James, Freedmen's Affairs, 5.

"It was this small beginning which resulted in the creation of the freedmen's bureau."<sup>1</sup>

Late in 1863 President Yeatman of the western sanitary commission visited the camps and hospitals where freedmen were collected in the Mississippi valley. He noted the abuses of the leasing system and the great need of care for dependants. So in his report to the commission he suggested a plan for the organization of freed labor and the leasing of plantations along the Mississippi. It provided for a bureau or commission appointed by the government to take charge of leasing land, to secure justice and freedom to freedmen, and to encourage respect for the customs of virtuous and civilized life. Each commissioner should be assigned a limited district and authorized to appoint superintendents, to fix wages of laborers, to examine and approve contracts, and to see that they were observed. Under the superintendents should be supervising agents. Infirmary farms should be maintained as places for the registration of freed people, as homes for very young, aged, and infirm negroes, and as employment bureaus conducted by superintendents. Schools should be established on which attendance was compulsory. Cruel punishment should be forbidden, family relations regulated, and medical attendance provided. The able-bodied should be compelled to work and encouraged to secure permanent homes. Besides wages, laborers should have good quarters, food, and clothing, and all disputes between employer and laborer should be settled by the superintendent.<sup>2</sup>

The treasury department had already been given jurisdiction over freedmen, refugees, and confiscated lands. So at the request of the sanitary commission, Yeatman presented his plan to the secretary of the treasury. That official heartily approved of the measure and urged Yeatman

1. Life of Chase, 328.
2. Yeatman, Report, Dec. 17, 1863.





war.<sup>1</sup> Both commissions worked in co-operation with aid societies, commanders, and with each other. They distributed supplies sent out by societies and individuals, and dealt out rations furnished by the government.<sup>2</sup>

*The Situation in the Spring of 1865*

The military commanders, treasury agents, and benevolent societies had dealt with all the elements in the problem with which the freedmen's bureau was to deal: abandoned and confiscated lands; abandoned and fugitive negroes; and white refugees. In some place and in some measure they had attempted: (1) to regulate the sale, leasing, and cultivation of these lands; the employment of negroes by planters on plantations, by the government on plantations, and by the government in military camps, home colonies, and infirmary farms; the distribution of rations, medicines, and supplies, and the transportation of freedmen, refugees, and teachers; (2) to provide for intellectual, moral, and religious education, the promotion of justice, the care of freedmen's savings, and the collection of claims of freedmen against the government.

As a result of their efforts, timely relief had been given to the infirm, the sick, and the penniless in camps and on plantations. A beginning had been made in the education of blacks and whites. In many cases measures had been taken for the regulation of labor and the insuring of justice. No little positive good had been accomplished. But all these agencies had been able to reach only a small portion of the mass of colored people just freed from slavery. In the field over which they had extended, their purposes had sometimes been defeated by the corruption and incompe-

1. Congregationalist, Dec. 12, 1862, June 29, 1863; Dec. 16, 1864, Dec. 20, 1864; N. Y. Times, March 25, 1864.

2. Western Sanitary Commission, p. 26-31.

tence of officials. But the great fact which militated against their success was the lack of systematic, centralized administration. This was characteristic of the work, both of the government and of the benevolent societies. Military commanders were aiming at centralization within their own departments. The secretary of the treasury inaugurated a system for the administration of plantations. Certain benevolent societies had united for the purpose of carrying on their work more economically and more efficiently. But as long as the government had two sets of agents in the same field, but under the direction of separate departments, friction was inevitable, and friction meant a sacrifice of economy and efficiency.



## CHAPTER II

### ESTABLISHMENT

Toward the close of the war experience was constantly showing the necessity of a central organization for the care of freedmen. But in 1863 and 1864 few recognized this necessity. Prominent among the few were the members of the freedmen's aid associations, and the creation of the freedmen's bureau was largely due, indirectly to their influence in awakening public interest in behalf of the negro, and directly to their labors with the authorities at Washington. A chief object of the emancipation league of Boston was to secure the establishment of a bureau of emancipation.<sup>1</sup> January 12, 1863, Mr. Wilson presented to the senate one of their petitions for such a bureau.<sup>2</sup> A week later Mr. T. D. Eliot introduced into the house the first bill for a bureau of emancipation. It was referred to a select committee on emancipation, but, for lack of time, the committee failed to report it before the close of the session.<sup>3</sup>

Then the freedmen's aid associations began to memorialize president and congress with renewed vigor.<sup>4</sup> The secretary of war in his annual report also urged the necessity of a "general and permanent system for their (freedmen's) protection and support."<sup>5</sup>

1. Facts concerning the Freedmen, collected by the Emancipation League, p. 3.

2. Rise and Fall of the Slave Power, III, 474.

3. Cong. Globe, 37th Cong. 3rd Sess., p. 282, 381.

4. N. Y. Times, Nov. 10, 1863; Cong. Globe, 38th Cong. 1st Sess., p. 867; Sen. Docs. 38th Cong. 1st Sess. Vol. 1, No. 1.

5. Ho. Ex. Docs. 38th Cong. 1st Sess., Vol. 5, No. 1, p. 8.

At the opening of the new session in December, 1863, Mr. Eliot introduced another bill to establish a bureau of emancipation. It was referred to a select committee, reported, re-committed, and reported again with amendments and with a minority report.<sup>1</sup> It created in the war department a bureau of freedmen's affairs. The chief of the bureau was to be a commissioner to whom should be referred all questions concerning persons of African descent and all persons who by proclamation, by law, or by military order, had, or should, become entitled to their freedom. The commissioner was authorized to make all needful rules for the general superintendence and treatment of all such persons "that their rights and those of the government may be duly determined and maintained." He also was to appoint assistant commissioners and clerks as necessary. These assistant commissioners were to regulate the cultivation of abandoned and confiscated lands, adjust wages, and have general supervision over negro laborers. All civil and military officers charged with the execution of laws and orders liberating slaves, were to report to the commissioner.<sup>2</sup>

To this measure the minority of the committee objected; that the matters dealt with were not proper subjects for national legislation; that congress had no power to tax citizens of one state for the support of indigent freedmen of another; that the bureau would result in a system of vasalage; that indigent blacks should not be singled out for assistance to the exclusion of unfortunate whites; that the bureau would not be self-supporting; that the number of clerks and the powers of superintendents were unlimited, and that the negro would suffer from their avarice; that if there were to be a bureau it should be in the department of the interior.<sup>3</sup>

1. Cong. Globe, 38th Cong. 1st Sess. pp. 19, 88, 190.

2. McPherson, Political History of Rebellion, 239.

3. Cong. Globe, 38th Cong. 1st Sess. pp. 571-3.



February 10, Mr. Elliot opened the discussion with an able and eloquent defense of his bill. He sketched briefly the progress of events since the beginning of the war and then gave a vivid description of the three millions of slaves who had become, or were becoming, free. His arguments may be summarized as follows: (1) Since we have freed these negroes by proclamation, legislation, and military force, their freedom must be maintained. It is our interest to protect them, for every colored soldier stands for a "son, a brother, a friend," and the negroes will not fight unless their families are protected. We have freed the negroes from selfish motives—to weaken the enemy; it would be the depth of meanness to leave them to grope their way like children, without guidance or protection. The government of the United States is, by president's proclamation, pledged to maintain their freedom. By act of June, 1862, for the collection of taxes in rebel states, congress has recognized her obligation to secure employment and support of negroes on abandoned lands; (2) to make the proclamation effective, both military success and appropriate legislation were necessary. Military success has come at Gettysburg, Vicksburg, and Port Hudson. Legislative measures have thus far been insufficient to protect the negro from the oppression of southerners and of northern "harpies" and "blood-hounds." The many petitions of freedmen's associations, whose members have made investigation, assure us that colored labor is not supplied with employment at suitable wages. Further legislation is imperatively demanded; the proposed bill is to meet this demand; (3) in reply to the objections of the minority, he maintained that the bureau was very properly connected with the war department, because military power had freed the slaves and the same power should protect their freedom. Furthermore, it was the only power which could command respect and obedience in states so recently in rebellion. Any fear of unlimited power was unwarranted, since all superintendents and other

officials were under the direction of the secretary of war and were responsible to him. Far from increasing the expense of caring for the negroes, the bureau would be self-supporting and so would effect a reduction in expenditure. The constitutionality of the measure rested on the clause empowering congress to declare war, make rules for the regulation of captures and of land and naval forces, and to pass all laws necessary and proper for the execution of the powers "vested in the United States government or any department or officer thereof." In these and in the higher laws of humanity, he found "abundant warrant for both the principle and provisions of the bill."

The debate was resumed at frequent intervals during the remaining days of the month. Sentiment was about evenly divided and conflicting opinions found expression in animated and vigorous speeches from both sides of the house. Among the supporters of the measure was Mr. Cole of California. He argued that by placing the negroes under the control of the war department and affording protection and support to families, the enlistment of colored regiments would be facilitated and encouraged. For this reason he laid great emphasis upon the salutary influence of the bureau in strengthening the union arms and shortening the war. Mr. Kelly of Pennsylvania declared the bill "well calculated to bring order out of the existing chaos by inaugurating a system of paid labor in harmony with the spirit of the age and at the same time to bring millions into the treasury of the United States." He expected it to aid the north by bringing forth a new class of consumers of northern products, to aid the whites of the south by enabling them to rent lands under its regulation, and to aid the government by relieving it of the burden of supporting the negroes then

1. Cong. Globe, 38th Cong. 1st Sess. pp. 567-573.

2. Ibid. p. 741.

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dependent upon it.<sup>1</sup> Mr. Price,<sup>2</sup> Mr. Davis of Maryland,<sup>3</sup> and others spoke in its support, but added little to the arguments already adduced.

The democratic attack was led by S. S. Cox of Ohio. He made the anti-slavery movement and the war policy of the administration his general objects of denunciation, but raised two very pertinent objections to the bureau: (1) it would open up a vast field for corruption, tyranny, greed, and abuse; (2) it was a measure too sweeping and revolutionary for a government of limited and express powers.<sup>4</sup> The speech of Mr. Kalbsfleisch was shorter, but of the same tenor. The bureau would introduce a system of servitude worse than slavery, incur great expense for equipment and buildings on plantations, and "open the way to great frauds and to unlimited power."<sup>5</sup> Mr. Brooks of New York denounced the whole scheme as one for the use of the black race by northern masters and protested against it in the name of laborers, workmen, and capitalists of the north.<sup>6</sup> On March 1, the bill came up for final action. The bureau was arraigned as an expensive, unconstitutional, and dangerous institution, some verbal amendments were made, and the title changed from bureau of emancipation to freedmen's bureau. On the same day, the bill, substantially as introduced, passed by the close vote of 69 to 67.<sup>7</sup>

In the senate it was referred to the committee on slavery and freedom, of which Mr. Sumner was chairman. Here it underwent an important change. From the very first suggestion of a freedmen's bureau there had been wide differences of opinion as to the department of government to

1. Cong. Globe, 38th Cong. 1st Sess. p. 772.  
2. Ibid. p. 868.  
3. Ibid. p. 825.  
4. Ibid. p. 708.  
5. Ibid. p. 760.  
6. Ibid. p. 761.  
7. Ibid. p. 896.

which it should be attached. To many the war department seemed most natural, since the military power was alone capable of commanding respect and obedience in the south.<sup>1</sup> Others favored the treasury department which already had charge of the abandoned lands on which large numbers of freedmen were to be employed.<sup>2</sup> Others would have established in the department of interior a bureau similar to the bureau of Indian affairs.<sup>3</sup> Still others would have joined it to the judiciary department, since so much of its work related to matters of justice.<sup>4</sup> Mr. Whiting, solicitor of the war department, and later a joint committee of senate and house, even suggested that the head of the freedmen's bureau be given a seat in the cabinet.<sup>5</sup>

The majority of Sumner's committee favored the treasury department. So, contrary to the wishes and advice of many of his friends,<sup>6</sup> the bill was reported back to the senate with an amendment making the bureau subordinate to that department. Considering the narrow majority by which it had passed the house, many thought it unwise to hazard the bill by amendments in the senate. But Mr. Sumner, noting the violent opposition which the war department clause encountered in the committee and on the floor of the senate, consented to the desired alteration. On him fell the main burden of defending the new provision, both as to substance and as to detail. "He pressed it with his characteristic pertinacity."<sup>7</sup> He argued that, as private benevolence was inadequate, a bureau was necessary to make freedom use-

1. Cong. Globe, 38th Cong. 1st Sess. p. 572; N. Y. Times, Feb. 1, 1865.  
2. Cong. Globe, 38th Cong. 1st Sess. p. 2931; McKaye, Emancipated Slave, p. 28; Preliminary Report of Freedmen's Inquiry Commission, p. 109.  
3. Cong. Globe, 38th Cong. 1st Sess. p. 573, 2931.  
4. Ibid. p. 571, 2932.  
5. Ho. Reports, 41st Cong. 2nd Sess. No. 121, p. 5.  
6. Pierce, Memoirs of Sumner, IV, 178.  
7. Ibid.

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ful. The bureau should be placed in the treasury department because that department had charge of the collection of taxes and abandoned property in the insurrectionary states, had special agents appointed, and had a new system in operation suitable for carrying on the work of the new bureau.<sup>1</sup> At intervals between May 25 and June 28, a spirited debate arose. The chief opponents were Davis of Kentucky, Hendricks of Indiana,<sup>2</sup> Grimes of Iowa,<sup>3</sup> Johnson of Maryland,<sup>4</sup> Wiley of West Virginia,<sup>5</sup> Buckalew of Pennsylvania,<sup>6</sup> and McDougall of California. Some objected to the principle involved; some to the details of the measure; some to both. After numerous amendments relating to salaries, continuance of the bureau, employment of freedmen, restraints from officers, and protection of property rights, the bill passed the senate June 28, by a vote of 21 to 9.<sup>7</sup> The changes in it were, however, too radical to be accepted by the house, and on June 30 the select committee to which the senate amendments had been referred, recommended non-concurrence. On July 2 the whole subject was postponed until the next session.<sup>8</sup>

While this discussion was in progress, prominent men from various parts of the north had been presenting to the federal authorities "new arguments in favor of what they termed the 'African bureau bill.'" In July a convention of delegates from seven western freedmen's aid associations met in Indianapolis. They drew up a memorial to President

1. Cong. Globe, 38th Cong. 1st Sess. p. 2457.-

2. Ibid. 2931, 2932.

3. Ibid. p. 2932, 2933, 3333. -

4. Ibid. p. 2932.

5. Ibid. pp. 2933, 3328; McPherson, Rebellion, 260.

6. Cong. Globe, 38th Cong. 1st Sess. p. 3329.

7. McPherson, Rebellion, 260; Pierce, Sumner, IV, 178; Cong. Globe 38th Cong. 1st Sess. p. 3350.

8. Ibid. p. 3397.

9. Hughes, Letters and Recollections of Forbes, II, 84.

Lincoln, complaining that military orders and frequent changes in camps had caused unnecessary interference with their schools and requesting the president to appoint a supervising agent of freedmen's affairs in the west, who should represent both the government and the associations. They further urged this appointment because "of the failure on the part of congress to establish a bureau of freedmen's affairs to which the management of their interest would have properly belonged."<sup>1</sup> The extent of the influence of these petitions and requests cannot be accurately measured; but they undoubtedly hastened action and furnished further argument and greater assurance to the friends of the freedmen's bureau bill.

December 20 the matter was again taken up in the house. Non-concurrence in the senate amendment was voted and a committee of conference requested.<sup>2</sup> With this request, the senate complied and chose as its representatives, Messrs. Sumner, J. M. Howard and Buckalew. The house selected Messrs. Kelley, Eliot, and Noble.<sup>3</sup> The committee did not report until February 2, 1865, and then the two democrats, Buckalew and Noble, refused to sign its recommendations. The majority proposed the establishment of a department of freedmen and abandoned lands presided over by a commissioner appointed by the president, by and with the advice and consent of the senate. Otherwise the provisions were similar to those in previous bills. It is, however, worthy of note that all supervision over abandoned property was to be removed from the treasury department.<sup>4</sup> The assistant commissioners were authorized to take charge of real estate abandoned by disloyal persons and of all other property in the south belonging to, and in possession of, the United

1. Wilson, Rise and Fall, III, 473.

2. Cong. Globe, 38th Cong., 2nd Sess., p. 80.

3. Ibid. p. 80.

4. Ho. Reports, 38th Cong. 2nd Sess. No. 9.

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States government, and to lease the same to freedmen or other worthy persons, for a term of years.

In the words of Henry Wilson, "this discussion revealed not only democratic opposition but republican solicitude. Traversing ground never before traveled or explored, without map, chart or landmark, there was inevitable diversity of judgment in matters of detail."<sup>1</sup> Mr. Wilson of Iowa [feared] so much control would retard the development of independence and self-reliance in the freedmen. Similar hesitancy was evinced outside of congress.<sup>2</sup> But Mr. Eliot saw in the bill, not control, but aid and assistance. Mr. Kelly forcibly proclaimed the duty of congress to rescue these "wards" from ignorance, vagrancy, and pauperism, and to guide them "until they can acquire habits and confidence and become capable of self-control."<sup>3</sup> Despite doubts and decided opposition the report received the formal approval of the house, but the vote stood 64 to 62.<sup>4</sup>

On January 5, the house had referred the subject of relief of loyal refugees to the committee on military affairs. They prepared a bill providing for a bureau in the war department. Under rules prescribed by the secretary of war and approved by the president, it was to dispense relief to freedmen and refugees of confederate states. At its head was to be a commissioner, aided by a large number of clerks. The president was authorized to direct the issue of food, clothing, and supplies, and to grant to the bureau the temporary use of the requisite amount of land and other real property abandoned by disloyal owners. The bill was short, but was broad and general in its provisions, applying to blacks and whites both within and without the confederate states. Although the house had already adopted the report of the

1. Wilson, Rice and Fall, III, 461.

2. N. Y. Times, Feb. 9, 1865.

3. Cong. Globe, 38th Cong. 2nd Sess. p. 692.

4. Ibid., p. 694.

committee of conference, this bill was passed and sent to the senate.<sup>1</sup>

Two alternative measures were thus presented to the upper house. Mr. Sumner defended the committee of conference report to the last, but the opposition was too strong. Democrats like Hendricks denounced it as unconstitutional, conducive to corruption, and aiming at permanent supervision of the negro. But equally formidable and still more fatal was the opposition of republicans.<sup>2</sup> The result was non-concurrence in the conference report.<sup>3</sup>

The senate now asked for a second conference. The house agreed, and Messrs. Wilson of Massachusetts, Harlan of Iowa, and Willey of West Virginia, were chosen to represent the senate; and Messrs. Schenck, Boutwell, and J. S. Rollins, to represent the house.<sup>4</sup> On February 28, Mr. Wilson reported from the committee a new bill for the creation of a bureau of refugees, freedmen, and abandoned lands.<sup>5</sup> When taken up in the senate, it was opposed by Mr. Howard as "a simple appendage to the war department" and by Mr. Powell as a "most offensive" bill, creating "a multitude of office-holders." "The men," he said, "who are to go down there and become overseers and negro-drivers will be your broken-down politicians and your dilapidated preachers; that description of men who are too lazy to work and just a little too honest to steal. That is the kind of crew you propose to fasten on these poor negroes." Why Mr. Sumner the friend of freedom for the slaves should now wish to "put masters over them to manage them," was more than he could understand.<sup>6</sup> There was, however, no extended debate. All motions for postponement and delay were de-

1. Feb. 18, Cong. Globe, 38th Cong. 2nd Sess. p. 566, 694, 908.

2. Ibid, p. 958, 965.

3. Feb. 22. Vote stood 24 to 14.

4. Cong. Globe, 38th Cong. 2nd Sess., p. 1004.

5. Ibid., p. 1182.

6. Ibid., p. 1307, March 2.



## CHAPTER II

### ESTABLISHMENT

Toward the close of the war experience was constantly showing the necessity of a central organization for the care of freedmen. But in 1863 and 1864 few recognized this necessity. Prominent among the few were the members of the freedmen's aid associations, and the creation of the freedmen's bureau was largely due, indirectly to their influence in awakening public interest in behalf of the negro, and directly to their labors with the authorities at Washington. A chief object of the emancipation league of Boston was to secure the establishment of a bureau of emancipation.<sup>1</sup> January 12, 1863, Mr. Wilson presented to the senate one of their petitions for such a bureau.<sup>2</sup> A week later Mr. T. D. Eliot introduced into the house the first bill for a bureau of emancipation. It was referred to a select committee on emancipation, but, for lack of time, the committee failed to report it before the close of the session.<sup>3</sup>

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1. Facts concerning the Freedmen, collected by the Emancipation League, p. 3.

2. Rise and Fall of the Slave Power, III, 474.

3. Cong. Globe, 37th Cong. 3rd Sess., p. 282, 381.

4. N. Y. Times, Nov. 10, 1863; Cong. Globe, 38th Cong. 1st Sess., p. 567; Sen. Docs. 38th Cong. 1st Sess. Vol. 1, No. 1.

5. Ho. Ex. Docs. 38th Cong. 1st Sess., Vol. 5, No. 1, p. 8.

At the opening of the new session in December, 1863, Mr. Eliot introduced another bill to establish a bureau of emancipation. It was referred to a select committee, reported, re-committed, and reported again with amendments and with a minority report.<sup>1</sup> It created in the war department a bureau of freedmen's affairs. The chief of the bureau was to be a commissioner to whom should be referred all questions concerning persons of African descent and all persons who by proclamation, by law, or by military order, had, or should, become entitled to their freedom. The commissioner was authorized to make all needful rules for the general superintendence and treatment of all such persons "that their rights and those of the government may be duly determined and maintained." He also was to appoint assistant commissioners and clerks as necessary. These assistant commissioners were to regulate the cultivation of abandoned and confiscated lands, adjust wages, and have general supervision over negro laborers. All civil and military officers charged with the execution of laws and orders liberating slaves, were to report to the commissioner.<sup>2</sup>

To this measure the minority of the committee objected; that the matters dealt with were not proper subjects for national legislation; that congress had no power to tax citizens of one state for the support of indigent freedmen of another; that the bureau would result in a system of vasalage; that indigent blacks should not be singled out for assistance to the exclusion of unfortunate whites; that the bureau would not be self-supporting; that the number of clerks and the powers of superintendents were unlimited, and that the negro would suffer from their avarice; that if there were to be a bureau it should be in the department of the interior.<sup>3</sup>

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1. Cong. Globe, 38th Cong. 1st Sess. pp. 19, 88, 190.

2. McPherson, Political History of Rebellion, 239.

3. Cong. Globe, 38th Cong. 1st Sess. pp. 571-3.



## CHAPTER III

## ORGANIZATION

Limitations of governmental authority were practically disregarded in order to meet this problem, which has been pronounced the gravest of the century. Large resources and almost despotic powers were placed in the hands of the bureau. To one man was accorded legislative, executive, and judicial authority reaching all the interests of four millions of people scattered over a vast territory, and living in the midst of another people, who were superior and who were hostile to race equality. The peculiar exigencies of the time and the peculiar condition of the freedmen may have demanded such amplitude of power, but upon the personnel of the bureau depended the vindication of its bestowal. Never was there more urgent need of men of ability, integrity, broad sympathies, and lofty conceptions of official duty; for the avenues open to corruption were broad, attractive, and apparently safe.

The first great requisite was a suitable commissioner. Immediately after the act had passed, the question engaged the attention of public men. General Butler, Judge Birney, and Thomas Webster, Jr., were mentioned.<sup>1</sup> Finally President Lincoln called to Washington General Oliver O. Howard, commander of the army of the Tennessee, and requested him to accept the position. After the death of Lincoln, President Johnson appointed the man whom his predecessor had selected.<sup>2</sup>

1. N. Y. Tribune, March 6, 1865.

2. *Ibid.*, Aug. 22, 1865. (Howard's speech at Kennebec, Me.)

The choice met with general approval.<sup>1</sup> General Howard was a graduate of Bowdoin college and of West Point. He had proved himself an able, earnest, and courageous soldier. His generalship at the battle of Gettysburg had won him honor and distinction. He had led one of Sherman's columns in the famous "march to the sea." Before the war he had spent much time in the south, and during the war he had held command in nearly all the slave states. He knew much of the relations between the races in the south. Though not a radical, he had always believed in emancipation and in the negro's capacity for improvement. He was known as a gentlemanly, upright, conscientious, and religious man. He was trusted and esteemed by generals and philanthropists alike. While a few might jest about his piety or distrust his administrative ability,<sup>2</sup> all would say with General Sherman: "I can not imagine that matters that may involve the future of four millions of souls could have been put in more charitable or more benevolent hands."<sup>3</sup>

May 15 the new commissioner entered upon the duties of his office. He was assigned a building at Washington, where he established his headquarters. In accordance with the act creating the bureau, he divided the territory under his jurisdiction into ten districts, each in charge of an assistant commissioner. His appointments were as follows:<sup>4</sup>

1. N. Y. Tribune, July 17, 1865; *Blaine*, II, 164; *Wilson*, III, 486; *Stowe*, 412; *Annual Cyclopaedia*, 1865, p. 371.

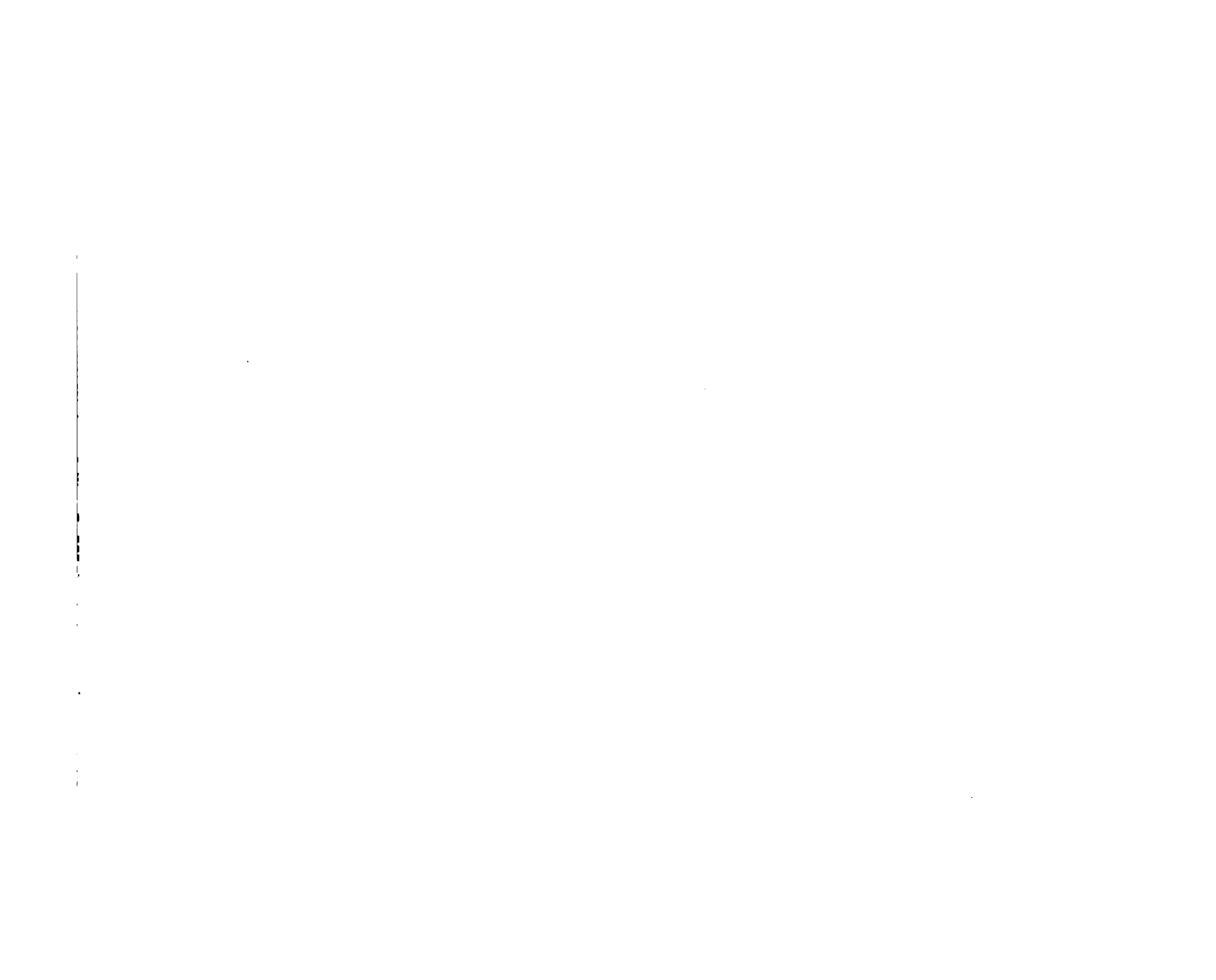
2. *Cox*, *Three Decades*, 446.

3. *Stowe*, *Men of our Times*, 458.

4. *Appleton*, *Cyclopedia of American Biography: Who's Who in America*; H. Ex. Docs. 39th Cong., 1st Sess., No. 11.

The northwestern freedmen's aid commission volunteered to pay the salary and expenses of a superintendent for the state of Kansas. At their request, Assistant Commissioner Sprague appointed Charles H. Langston to that position, Aug. 30, 1865; H. Ex. Docs., 39th Cong. 1st Sess., Vol. 8, No. 70, p. 72. For changes in assistant commissioners, see Appendix to this volume.





DISTRICT	ASSISTANT COMMISSIONER	HEADQUARTERS
District of Columbia (Including Maryland, Alexandria, Fairfax, and Loudon Counties, Va.)	Col. John Eaton, Jr.	Washington
Virginia	Col. Orlando Brown	Richmond
North Carolina	Col. E. Whittlesey	Raleigh
South Carolina and Georgia	Gen. Rufus Saxton	Beaufort, S. C.
Florida	Col. T. W. Osborne	Tallahassee
Alabama	Gen. Wager Swayne	Montgomery
Louisiana	Chaplain T. W. Conway	New Orleans
Mississippi	Col. Samuel Thomas	Vicksburg
Kentucky and Tennessee	Gen. C. B. Fiske	Nashville
Missouri and Arkansas	Gen. J. W. Sprague	St. Louis
Texas (later)	Gen. E. M. Gregory	Galveston

Howard's choice of assistant commissioners seemed wise and reassuring. They were all military men, who, through active service had become more or less familiar with social, economic, and educational conditions in the south. Many were distinguished soldiers. All were men of education, ability and good reputation. In addition to these qualifications, Colonel Eaton, Colonel Brown, Colonel Saxton, Chaplain Conway, and General Fiske had been prominently identified with freedmen's affairs during the war. In their work as superintendents of freedmen they had obtained valuable experience and had shown especial fitness for the service to which they now were called.

The organization of the bureau embraced four grand divisions: (1) that of land, including those abandoned, confiscated, or otherwise acquired by the United States; (2) that of records of official acts relating to labor, schools, quartermaster's and commissary's supplies; (3) that of financial affairs; (4) that of medical and hospital service. To each of these divisions were assigned a chief officer and the requisite number of assistants and clerks secured by appointment or detailed from the army.

At the head of the land division was Major William Fowler,<sup>1</sup> assistant adjutant general. He had immediate supervision of the sale, rental, and other disposition of bureau lands. Through the assistant commissioners and local agents he was to carry out the policy prescribed by the commissioner and the president of the United States.

The educational work of the bureau was under the general direction of Captain S. L. Taggart. But each assistant commissioner chose a superintendent to take charge of the schools in the state in which he was located. Lieutenant Colonel Balloch was chief disbursing officer of the bureau, while Mr. J. W. Alvord was charged with the inspection of schools and finances.

To each state was assigned a commissary of subsistence who distributed rations and supplies, subject to the orders of the commissioner and the army commissary department. Colonel Balloch was also general inspector of the commissary department of the bureau.

The medical department was in charge of a chief medical officer, Surgeon C. W. Horner. He was assisted by several army surgeons detailed by the surgeon general, by hired private physicians and attendants selected by these army surgeons.

For securing justice and civil rights to freedmen, officers of the bureau appointed by assistant commissioners often constituted freedmen's courts for the trial of cases to which freedmen were parties.

With the addition of a corps of assistant quartermasters, inspectors of plantations, provost marshals for freedmen, bureau missionaries, bureau counsellors, bureau printers, bureau storekeepers, superintendents of marriage relations, district superintendents, and local agents, the local organization of the bureau was complete.

1. In 1867 Fowler was succeeded by Gen. A. P. Howe.—Ho. Ex. Docs. 40th Cong. 2nd Sess., No. 1, p. 622.



All these divisions were, however, grouped around the central office at Washington. Here all official letters were to be received and distributed and all the business of the various departments directed and checked. Here all books and papers were to come daily under the observation of the commissioner or the head of the central office. From here all orders and circulars of instruction were to be promulgated. In fact this office corresponded to that of the adjutant general of the army proper.

Southerners and northerners were equally prompt in tendering General Howard suggestions as to the proper conduct of the bureau and the regulation of labor. Some would have all negroes leave their masters, separate from the whites, and form villages of their own. Others would have northern men move south and employ the freedmen. Others would have them employed upon the Pacific railway or in the construction of dikes along the Mississippi. All these plans were examined, but none of them adopted. Howard invited his new assistant commissioners to express their views. They held a meeting and drew up plans which were laid before the commissioner.<sup>1</sup> These were made the basis of some of the circulars of instruction which he issued to them during the summer.

In these circulars they were given supervision over abandoned lands and control of all subjects relating to freedmen and refugees. They were to supply the wants and guarantee the freedom of the negroes and to facilitate the work of relief and education carried on by the benevolent associations and state authorities. They were to guard the unity of the family and the rights of family relations, and to designate officers for recording marriages of freedmen. Where necessary they were to adjudicate difficulties between negroes themselves, and between negroes and whites or Indians.

1. N. Y. Tribune, Aug. 22, 1865.

They were to instruct the freedman as to his duties, to aid him in securing title to land, to endeavor to remove the prejudice of former masters, and to introduce a practical system of free compensated labor. All able-bodied negroes and refugees should be compelled to work and every effort made to render the people self-supporting. But negroes must be free to choose employers, the old system of overseers and all substitutes for slavery were prohibited, and contracts between employers and laborers were to be approved and enforced by bureau officers. - General and uniform regulations were laid down concerning free transportation and the amount and issuance of free rations. Assistant commissioners were to require regular reports from subordinates and to make monthly reports to the commissioner.<sup>1</sup>

Assistant commissioners were, like other bureau officers, declared subject to military rules and jurisdiction. Otherwise they were left with free hands. "It was," says General Howard, "impossible at the outset to do more than lay down a few general principles to guide the officers assigned as assistant commissioners. . . . To them was committed to a considerable extent the task of working out the details of organization in accordance with the different states of affairs in their respective districts. No one minute system of rules could have been rigidly adhered to and applied in every part of the southern country. I therefore set forth clearly the objects to be attained and the powers which the bureau could legally exercise, and left to my subordinates to devise suitable measures for effecting their objects."<sup>2</sup> Where so much discretion was given to these officials, their personal characters and opinions and the wide difference in circumstances and conditions in the several states inevitably

1. Ho. Ex. Docs., 39th Cong., 1st Sess., No. 11, p. 54, (Circular Letters, Nos. 2, 5, 7, 8, 11.)

2. Ho. Ex. Docs., 41st Cong., 2nd Sess. No. 142, p. 4-5.

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led to wide differences in local regulation and administration.

This variation appeared in the number of districts and sub-districts, into which assistant commissioners divided their territory, and in the number, titles, salaries, duties, and manner of appointment of officers in charge. Some states contained only four districts; others as many as eight or ten. Each of these districts was under the supervision of a superintendent, who erected subdistricts of convenient size. This size varied widely according to the population of the region and the number of suitable men available as local agents. The men in charge of these subdivisions were styled assistant superintendents. As congress had made no appropriation for the salaries of subordinates, the choice of superintendents, assistant superintendents, and other local agents was usually limited to army officers and soldiers assigned by the local military commander.<sup>1</sup> In Arkansas and Florida, however, civilians were associated with these military men.<sup>2</sup> Occasionally an ex-confederate entered the service of the bureau. District superintendents were required to make monthly reports concerning all bureau affairs within their respective jurisdictions.<sup>3</sup>

The relations of bureau officials with the military and civil authorities of the several states furnish a still more striking illustration of this variation. During the first year conflict of action arose between the military commanders and bureau agents in Louisiana and Mississippi. It was only by the removal of officials and by change of headquarters that this friction was allayed.<sup>4</sup> On the other hand Colonel Osborne in Florida even acted as if on the staff of the

1. House Ex. Docs., 39th Cong., 1st Sess., No. 70, p. 372.

2. *Ibid.*, p. 86; *Ibid.*, No. 11, p. 31.

3. *Ibid.* No. 70, p. 255.

4. *Ibid.* No. 11, p. 29; Garner, Mississippi, 266.

commanding general, and the military commanders of sub-districts were ex-officio superintendents of freedmen.<sup>1</sup> In general, however, the relations between these two branches of service were harmonious, and, after the two offices of military commander and bureau assistant commissioner were united and held by one and the same man, all fear of friction was, of course, removed. Between bureau agents and civil authorities such happy understandings were not the rule.<sup>2</sup> Still General Swayne in Alabama, General Tillson in Georgia, Colonel Osborne in Florida, and General Sprague in Arkansas, succeeded in a remarkable degree in securing the co-operation of government and state authorities.<sup>3</sup>

In most states the bureau came into possession of large amounts of abandoned property, from which was derived sufficient revenue to pay current expenses. In Alabama, Texas, and the District of Columbia this was not the case.<sup>4</sup> There assistant commissioners were dependent upon taxes on negroes employed in the staff department of the army, upon fees for approvals of contracts, and upon the aid of military and state authorities. In some states government farms were numerous and successful; in others insignificant and rare. Much or little land was assigned to freedmen according to the amount available and according to the certainty of its tenure. In Arkansas and Missouri the demand for labor and the prosperous condition of agriculture made liberal labor contracts possible, while the devastation of Sherman's march had left the planters of South Carolina and Georgia neither able nor willing to pay remunerative wages. In matters of justice the same variation is seen. Freedmen's cases were sometimes tried in state courts;

1. Ho. Ex. Docs. 39th Cong. 1st Sess., No. 70, p. 27.

2. N. Y. Tribune, Nov. 25, 1865.

3. Ho. Ex. Docs., 39th Cong., 2nd Sess., No. 1; *Ibid.*, 39th Cong., 1st Sess., No. 1, pp. 27, 32; N. Y. Times, June 13, 1865; Sen. Docs. 39th Cong., 2nd Sess., No. 6, p. 48.

4. Ho. Ex. Docs., 39th Cong. 1st Sess., No. 11, pp. 27, 30.

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sometimes in provost courts; sometimes in bureau courts. The number and character of schools depended upon previous efforts for negro education, upon the attitude of whites toward such efforts, upon the educational work of benevolent societies in a particular locality, and upon the interest taken by the local officer in the maintenance and support of schools.

So in all matters of detail the bureau presented diversity of local regulation, constitution, method, and result. That this should be so was inevitable. But throughout all was a uniformity of aim, of general regulation, of organization, of records; and a system of supervision and control which was far in advance of anything that had been earlier attempted.

## CHAPTER IV

### FURTHER LEGISLATION, 1866-1872

The law of March 3, 1865, had prescribed that the bureau should continue "during the present war of rebellion and for one year thereafter." It had been in operation but a few months when the question of its further continuance arose. Several elements entered into the early consideration of the question, and occasioned wide difference of opinion as to its proper solution.

(1) When would the bureau expire by limitation? On the one hand it was pointed out that the army of the enemy had surrendered, there were no forces opposed to the United States troops, the war had already ceased. Therefore, the legal existence of the bureau would terminate early in 1866. Others, however, believed that the close of the war was not yet technically complete. The army was maintained, the writ of habeas corpus was suspended, and martial law exercised. The existence of the rebellion had been legally announced by executive proclamation in 1861; the end of the rebellion should be announced "by competent declaration of president or congress, or of both."<sup>1</sup> So the bureau would legally continue without further legislation for one year after such declaration.

(2) Those who had opposed the establishment of the bureau in time of war as unconstitutional, unnecessary, and conducive to corruption, were slow to favor its continuance in time of peace. Some who acknowledged that it had been

1. Seward, Works V, 539.





beneficial and necessary, believed that its usefulness was now practically ended and that, if continued, it would become a partisan machine.

(3) The first months of the bureau's work had not dispelled all doubts as to the constitutionality and wisdom of its maintenance. It had excited bitter opposition among southern whites. Southern legislatures had petitioned congress for its removal.<sup>1</sup> Its operations had been closely watched and harshly criticised by the representatives of unsympathetic newspapers, north and south.<sup>2</sup> In its personnel, management, and effect on negroes and whites, they saw much to censure. But more influential than all was the report of General Grant submitted to President Johnson December 18, 1865. At the request of the president he had made a brief tour of the south. He said, "I did not give the operations of the freedmen's bureau that attention I would have done, if more time had been at my disposal. Conversations on the subject, however, with officers connected with the bureau led me to think that in some states its affairs had not been conducted with good judgment or economy, and that the belief widely spread among the freedmen of the southern states that the lands of the former owners will, at least in part, be divided among them, has come from the agents of this bureau. This belief is seriously interfering with the willingness of the freedmen to make contracts for the coming year. . . . Everywhere General Howard, the able head of the bureau, made friends by the just and fair instructions he gave, but the complaint in South Carolina was that, when he left, things went on as before. Many, perhaps a majority, of the agents of the freedmen's bureau advised the freedmen that by their own industry they must expect to live."<sup>3</sup> Furthermore, the gen-

1. Ho. Ex. Docs., 39th Cong., 1st Sess., Vol. 8, No. 70, p. 236.

2. N. Y. Herald; Louisville Daily Democrat; etc.

3. McPherson, *Reconstruction*, 67; Ho. Ex. Docs., 39th Cong., 1st Sess. Vol. 1, No. 2, p. 106.

erally favorable account which General Grant gave of conditions in the south and of the attitude of southerners toward the negro and the government, tended to prove the longer continuance of the bureau unnecessary and unwise. Coming from a military officer of so high character and so great popularity, these opinions were potent instruments in the hands of the opposition.

(4) Northern prejudice against southerners and northern sympathy for the negro, however, upheld the bureau. Officers, missionaries, teachers, and travelers, told of the sufferings of the negro and outrages upon him and insults to his friends. These reports were widely circulated in northern papers.<sup>1</sup> Southern papers spoke of the ratification of the constitutional amendment as unsettling the question of slavery.<sup>2</sup> Still more profound was the moral effect of the passage of the "black laws" by southern legislatures. In form these were no more stringent than vagrancy, contract, and apprentice laws long on the statute books of New England; but the circumstances of their enactment left no doubt that they were aimed against the freedmen. Northern philanthropists interpreted them as an attempt to reduce the negro to virtual slavery. They were confirmed in this opinion by the report of General Schurz. He also had been sent south by President Johnson. He had made a more extended visit than Grant and had come to quite different conclusions. He found "an entire absence of that national spirit which forms the basis of true loyalty and patriotism. . . . The ordinances abolishing slavery passed by the conventions under the pressure of circumstances will not be looked upon as barring the establishment of a new form of servitude. . . . Practical attempts on the part of southern people to deprive the negro of his rights as a freedman may result in bloody collisions and will certainly plunge south-

1. N. Y. Tribune, March 20, June 15, July 20, 1865.

2. Ho. Ex. Docs., 39th Cong., 1st Sess., Vol. 8, No. 70, p. 236.

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ern society into restless fluctuations and anarchical confusions." These evils "can be prevented only by continuing the control of the national government in the states lately in rebellion, until free labor is fully developed and firmly established."

(5) General Howard in his report had emphasized the inadequacy of the provisions of the original freedmen's bureau bill. No appropriation had been made for payment of officers or for the establishment of schools. Further legislation regarding freedmen's courts was desirable. The thirteenth amendment had extended the abolition of slavery beyond the limits of the ex-confederate states and rendered necessary a corresponding enlargement of the powers and territorial jurisdiction of the freedmen's bureau.<sup>1</sup>

(6) It is also significant that this question arose when the breach between president and congress was rapidly widening. The antagonism between their theories of reconstruction continued to affect all questions relating to the southern states until harmonious action became exceptional.

(7) Nor can we believe that the radical party were blind to the political advantages afforded by the bureau. The zeal of certain northerners for the cause of negro suffrage, the early date at which bureau officers identified themselves with the union leagues, the extent to which they, in later years, engaged in, and profited by, political operations in the south, point to the probability that many advocates of the continuance of the bureau foresaw in it a means of controlling the negro vote. That it opened a vast field for political patronage was all too patent. In conjunction with the military jurisdiction it might thwart the offensive southern legislation and the presidential plan of reconstruction. With "the future clouded with uncertainty," it would have been folly for a party which was in a position to dictate its

1. Ho. Ex. Docs., 39th Cong., 1st Sess. Vol. 1, No. 2, p. 1.

2. Ho. Ex. Docs., 39th Cong., 1st Sess. Vol. 7, No. 11, p. 34.

own terms to abandon the bureau and forego its assistance. —In view of these seven considerations, was the bureau to be extended in duration, powers, and territorial jurisdiction.

When congress met various measures relating to the bureau were introduced, some censuring it, some proposing modifications.<sup>1</sup> But the first to attain prominence was that offered in the senate by Mr. Trumbull, June 5, 1866.<sup>2</sup> It was in the form of an amendment to the act of March 3, 1865, and contained the following propositions which were essentially new: (1) that the bureau should continue in force until otherwise provided by law and not expire by its own limitation; (2) that it should embrace the whole country wherever there were freedmen and refugees and not be confined to the ex-confederate states; (3) that citizens employed as bureau officials should be allowed an annual salary of \$500 to \$1,200; (4) that the president should set apart for the use of freedmen and loyal refugees unoccupied lands in the southern states which the commissioner should cause to be allotted in parcels not exceeding forty acres each; (5) that the possessory titles granted in pursuance of General Sherman's orders of January 16, 1865, be made valid; (6) that the commissioner procure land and erect suitable buildings as asylums and schools for dependent freedmen and refugees in accordance with recommendations to be made by congress; (7) that in any state where any civil rights or immunities were withheld from negroes, bureau agents should take jurisdiction of offenses committed against this provision, until unjust discriminations ceased. In these provisions, which were in accord with the wishes and recommendations of General Howard, we find the first reply to the challenge of the "black codes" of the south.

January 12, Mr. Trumbull opened the discussion of this bill and briefly explained its provisions. On subsequent

1. Cong. Globe, 39th Cong. 1st Sess. pp. 77, 104, 135.

2. *Ibid.* pp. 129, 209.

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days it was "debated at full length, nearly every prominent man in the senate taking part."<sup>1</sup> Mr. Hendricks denounced it, (1) as aiming at the permanence of the bureau. "The measure demanded by the exigencies of the war is not requisite in time of peace. Civil governments have been restored in the states lately in rebellion and therefore there is no need for this novel and extra-judicial procedure." (2) The powers of a bureau which has already overstepped its legal bounds, instead of being extended to other states, ought to be "more clearly defined." (3) Under the old law the expenses of the bureau were enormous; what will they be under the new law with innumerable officers and clerks appointed as political necessity dictates, and "with a proposition to buy homes, asylums, and schools for this people!" (4) The provision respecting General Sherman's order and respecting the civil rights of negroes met with strenuous objections. The bill, he said, "proposed to establish a cruel despotism within a republic."<sup>2</sup>

The chief burden of defense fell upon Senator Trumbull. He argued that the peculiar and abnormal circumstances demanded this legislation; that a permanent institution was not advocated or intended; that this measure was in accordance with the policy and practice of the government to aid the destitute, including the Indians; that the bureau would count for little outside the former slave-holding states; that being officered mainly by military men it would involve little additional expense.<sup>3</sup> Senators Fessenden and Wilson joined in advocacy of the measure. The debate, though spirited, was ably conducted on both sides and was worthy of the high station of the participants. On the final passage in an unusually full house, the vote stood 37 to 10.<sup>4</sup>

1. Blaine, *Twenty Years*, II, 167.

2. *Cong. Globe*, 39th Cong., 1st Sess., pp. 315, 334, 339; see also *Report of Committee on Reconstruction*, Part III, p. 112.

3. *Cong. Globe*, 39th Cong., 1st Sess., p. 319.

4. *Ibid.* p. 262, 239; *N. Y. Tribune*, Jan. 24, 1866; Blaine, II, 167.

The bill was promptly sent to the house. There it was referred to the committee on freedmen's affairs, which reported it with amendments in the form of a substitute. It encountered the same opposition as in the senate. It was denounced as a piece of class legislation, unconstitutional, unnecessary, expensive, fatal to republican government. But, after a lively debate, the substitute was passed February 6, by a vote of 136 to 33.<sup>1</sup> The senate concurred in the house amendments and in turn proposed some unimportant changes which were accepted by the house.<sup>2</sup>

Republicans expressed the expectation that the president would sign the bill.<sup>3</sup> He had taken an active and sympathetic interest in the organization of the bureau. In the fall of 1865 he had declared that it "would only cease to exist when the southern states are resolved to deal honestly and justly by the freedmen."<sup>4</sup> It was said that the bill now laid before him had been framed with his assent and approbation and that he had assured General Howard and Senator Trumbull that he would support it.<sup>5</sup> So there was much surprise and excitement in political circles when it was returned to the senate with a veto message.<sup>6</sup>

This was a strong message. It brought forward no strikingly new objections, but it contained a succinct and cogent statement of the soundest of those already adduced: (1) There was no immediate necessity for such a law. The original act would not expire for some time. That act had been thought broad enough in time of war; further experience would aid in forming a policy for times of peace. (2) Some provisions of the bill were unconstitutional and un-

1. *Cong. Globe*, 39th Cong., 1st Sess., p. 512, 688.

2. *Ibid.* p. 700, Feb. 7; p. 774, Feb. 9.

3. *N. Y. Tribune*, Feb. 10, 1866.

4. *Ibid.* Nov. 22, 1865 (Speech.)

5. *Ibid.* March 6, 1866.

6. *Ibid.* Feb. 19, 1866.



wise. It was not a war measure, for the country had returned, or was returning, to a state of peace;<sup>1</sup> yet it proposed to establish "military jurisdiction" over all parts of the United States containing freedmen and refugees. Trials were to take place without jury or fixed rules of evidence and from these arbitrary tribunals there lay no appeal. To such jurisdiction there was to be no time limit. It would place in the hands of the president, powers such as, "in time of peace certainly ought never to be entrusted to any one man." He then took up the measure in detail stating his objections and closing with the assertion that this was an attempt in time of peace to legislate for and to tax eleven states which were unrepresented in congress.<sup>2</sup> In this last objection is the key to the president's position. He believed that the most of the states were "fully restored to their constitutional relations to the United States and were entitled to their constitutional rights as members of the union."

This message caused great rejoicing among the friends of the south and the supporters of the administration policy. Prominent men in Washington assembled to commend the action of the president.<sup>3</sup> The democratic press, north and south, was loud in praise of the message and its author.<sup>4</sup> Administration republicans, like Seward, justified the veto.<sup>5</sup> Supporters of the measure were in doubt as to their ability to secure the necessary two-thirds in the senate. Moderate republicans were not yet convinced of the policy nor con-

1. "Mr. Johnson was in rather a difficult position, for the habeas corpus was still suspended in the southern states and even while he was writing his veto message a military order had gone forth looking to the suppression of disloyal papers there." Dunning, *Essays on Civil War and Reconstruction*, 89.

2. McPherson, *Reconstruction*, 68-74.

3. N. Y. Tribune, Feb. 20, 1866.

4. *Ibid.*, Feb. 27, 1866, (Clippings from 30 Papers).

5. Seward, *Works*, V. 538, (Speech, Feb. 22, at Cooper Institute.)

firmed in the practice of constantly over-riding presidential vetoes. Much less were they disposed to pass over his veto a measure whose whole administration was confided to the president. When the question was taken up in the senate, Garret Davis sustained the veto while Trumbull again championed the bill. When the vote was taken it was found that six republicans who had voted yea before the veto were not yet prepared for an open breach with the president.<sup>1</sup> These six, together with two who had been absent at the time of passage, voted nay, and the doom of the second freedmen's bureau bill was sealed.<sup>2</sup> It was sustained by a vote of 30 to 18, but the requisite two-thirds was not secured.

After this failure no decisive action relating to the bureau was taken for several weeks. Some members favored immediate reconsideration of the question. Johnson's violent speech of February 22 doubtless did much to cement congressional opposition and pave the way for early action. February 23, Senator Wilson introduced a bill continuing the bureau. It was referred but never reported.<sup>3</sup> Four days later the senate called for the report of the assistant commissioners.<sup>4</sup> March 8 the house called for the orders and instructions given by assistant commissioners and by the commissioner.<sup>5</sup> The legislatures of Wisconsin and California passed and forwarded resolutions approving the passage of the bill of February 9.<sup>6</sup> An address was received from the "Swiss committee for the benefit of the enfranchised slaves of America" urging the necessity of maintaining the bureau.<sup>7</sup>

Meanwhile the president had decided upon an investiga-

1. McPherson, *Reconstruction*, 74.

2. *Ibid.* 74, Feb. 21.

3. *Cong. Globe*, 39th Cong., 1st Sess., p. 979.

4. *Sen. Docs.*, 39th Cong., 1st Sess., No. 27.

5. *Ho. Ex. Docs.*, 39th Cong., 1st Sess., Vol. 8, No. 70.

6. *Ho. Misc. Docs.*, 39th Cong., 1st Sess., No. 64; No. 108.

7. *Ibid.* No. 112.

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tion of the operations of the bureau. For this purpose he chose two union generals, J. B. Steedman and J. S. Fullerton. Steedman was a war democrat. Fullerton had served for a few months as assistant commissioner of the bureau in Louisiana and in the District of Columbia. While in Louisiana he had attempted a radical change of policy in dealing with the freedmen. Both men were in sympathy with the presidential policy of reconstruction. They spent about four months in making a tour through the south Atlantic and Gulf states. They visited the principal cities, towns, and bureau headquarters in each district, conversed with agents, military officers, and representatives of the black and white populations, and made a separate report for each state. They commended the zeal and fidelity of General Howard. At the close of the war, in the absence of civil authority, they believed the bureau, where properly administered, had done much to preserve order and to organize free labor. But now had come a decided change in conditions and in southern sentiment. They considered that wherever civil authority had been restored and civil rights of negroes recognized, its functions could be best performed by military commanders. Furthermore, they found that it had not always been judiciously and honestly administered. Much had depended upon the character of agents employed. Some had taken too wide latitude in the exercise of judicial functions. Some by "arbitrary, unnecessary, and offensive interference" had excited bitterness and antagonism on the part of the planters, and unreasonable expectations on the part of negroes. Too liberal issues of supplies had, in many cases, led to indolence and needless dependence on the government. A large number of agents were privately interested in mills and estates dependent upon negro labor. Instances were cited where government supplies, intended for free distribution, had been sold to local dealers, where cruelties had been prac-

ticed, and where illegal taxes had been imposed upon negroes.<sup>1</sup>

The immediate purpose of this inspection evidently was to place before the American people a picture of the bureau which was at last free from all the gloss of sketches drawn by its friends and admirers. The reports of Steedman and Fullerton were not quietly submitted to the commissioner, secretary of war, or any other official, for expurgation and revision; but were given directly and entirely to the daily press.<sup>2</sup> They were widely circulated and were made the subject of liberal comment and of heated discussion.<sup>3</sup> Through the columns of the Times and Tribune, General Whittlesey and Chaplain Conway, the two assistant commissioners whose reputations were most injured by the report, and General Howard, the responsible head of the bureau, sought to vindicate themselves and the organization which they represented.<sup>4</sup>

General Howard and the president promptly commenced an investigation of these charges. A number of arrests were made. Some of the cases were found to be greatly exaggerated; others related to officials who had already been dismissed or subjected to an examination. Few of them, however, were without foundation in fact. Many officials acknowledged that they had furnished money and labor for mills and plantations from which they derived profit. They sought to justify their action, however, on the ground that in many districts southern capital was insufficient, and that the investment of the bureau agents gave confidence to northern capitalists whose money was needed to provide employment for the freedmen. They maintained that there was no unhealthy competition between bureau officers and

1. Ho. Ex. Docs., 39th Cong., 1st Sess., No. 120; N. Y. Tribune, June 13, Aug. 13; N. Y. Times, May 14, June 13, Aug. 10, Aug. 13, 1866.

2. Ho. Ex. Docs., 39th Cong., 1st Sess., No. 120, p. 21.

3. N. Y. Herald, May 12, 1866; N. Y. Times, May 18, 1866.

4. N. Y. Herald, May 15, May 29, Aug. 20, 1866.



citizens employing freedmen and that, whatever their motive, the effect of their investment was good. General Howard shared these opinions; but, in order to avoid appearance of evil and to prevent speculation which might prove detrimental to the freedmen, he immediately issued orders forbidding such business ventures in the future.<sup>1</sup> General Whittlesey and some subordinate officers were dismissed from the service. As a matter of fact the cases of malicious and criminal maladministration proved or charged by these inspectors were few. Of thirteen assistant commissioners one was charged with speculation or injustice. Cases of malfeasance among minor officers were more numerous, both absolutely and relatively. It is true that only a few were convicted, but suspicion was cast upon many others who probably deserved punishment. Certainly the investigation disclosed the fact that the bureau was frequently not administered wisely, economically, disinterestedly, and justly. It also aroused a strong suspicion that the institution was based on false principles of philanthropy and government, and that its influence was often evil rather than good.

The publicity given to these investigations doubtless tended to shake public confidence in the bureau, but it had no effect upon legislation, except perhaps to cause delay. May 21 the house passed a concurrent resolution to investigate the institution,<sup>2</sup> but the resolution was tabled in the senate.<sup>3</sup> May 22 Mr. Elliot introduced a bill to amend and continue in force the original freedmen's bureau act. It differed from this original in that its provisions were extended to all refugees and freedmen. It differed from the bill vetoed by the president in several respects; it was lim-

1. Ho. Ex. Docs., 39th Cong., 1st Sess., No. 123; N. Y. Times, May 16, 1866.

2. Cong. Globe, 39th Cong., 1st Sess., p. 2723.

3. Sen. Misc. Docs., 39th Cong., 1st Sess., No. 115.

A CORRECTION  
Page 66, line 7: General Whittlesey was not dismissed from the service, but was recalled to Washington and given other duties in the bureau.



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ited to two years, not extended indefinitely; a smaller area  
 was to be reserved for freedmen; land held by possessory  
 title under Sherman's order should be restored to former  
 owners and other land provided for the freedmen thus dis-  
 possessed; special provision was made for the retention of  
 army officers in the service of the bureau; the commissioner  
 was especially authorized to co-operate with agents of benev-  
 olent associations; he was given greater discretionary power  
 over the funds of the bureau; confederate property was to  
 be appropriated for the education of freedmen and military  
 protection of their civil rights guaranteed.<sup>1</sup> After consid-  
 erable discussion and amendment, the bill passed the house  
 May 29 by a vote of 96 to 32.<sup>2</sup>

In the senate it underwent further amendment. But the  
 opposition now despaired of defeating it, and the debate was  
 brief. As amended it passed the senate without division.<sup>3</sup>  
 The house refused to concur in the amendment, a confer-  
 ence was arranged, and both houses finally passed the bill  
 with amendments providing that questions arising out of  
 Sherman's order be left entirely to the president<sup>4</sup> for settle-  
 ment.

July 6 the president returned it with a veto message.<sup>5</sup>  
 Although it had been thought that the bill was so framed  
 as to escape the objections to its predecessor,<sup>6</sup> the veto was  
 by no means unexpected.<sup>7</sup> In the main the president had  
 found the present measure open to the same criticism which  
 he had made in his message five months before. "Recent  
 developments in regard to the practical operations of the  
 bureau in many states" had still further convinced him

1. McPherson, Reconstruction, 149.

2. Ibid., 151.

3. Ibid., 151, June 26.

4. Ibid., 151; Cong. Globe, 39th Cong., 1st Sess., p. 2465, 3502.

5. Ibid., p. 3649.

6. Blaine, Twenty Years, II, 171.

7. N. Y. Tribune, July 17, 1866.

1

"that the continuation of such a bureau for any unnecessary length of time would inevitably result in fraud, corruption, and oppression."<sup>1</sup> Two months later he said: "In fine, the freedmen's bureau was a simple proposition to transfer four million slaves in the United States from their original owners to a new set of taskmasters. I have been laboring for years to emancipate them; and then I was opposed to seeing them transferred to a new set of taskmasters to be worked with more rigor than they had been worked heretofore. Yes, under this new system they would work the slaves and call on the government to bear all the expense, and, if there were any profits left, why they would pocket them."<sup>2</sup> In this message and this speech the influence of the Steedman and Fullerton investigation is clearly visible.

The house immediately proceeded to the reconsideration of the bill. Mr. Blaine tells us that "the measure had lost under discussion much of the popularity which attended its first introduction in congress," and that only "by potent persuasion" and "severest exercise of party discipline" was a serious break in both houses prevented.<sup>3</sup> However, the necessary two-thirds was procured in each house and that on the very day the message was received.<sup>4</sup> This summary disposition of the veto created much amusement and rejoicing in radical camps.<sup>5</sup>

By act of June 21, 1866, all public lands in Alabama, Mississippi, Louisiana, Arkansas, and Florida were opened for entry by colored and white men without distinction. They were to be assigned in lots of eighty acres each and bureau agents were to instruct freedmen respecting the loca-

1. McPherson, *Reconstruction*, 148.

2. McPherson, *Handbook of Politics*, 1867, p. 12, (Speech, Sept. 8, 1866.)

3. *Twenty Years*, 172.

4. McPherson, *Reconstruction*, 151; *Cong. Globe*, 39th Cong., 1st Sess., p. 3851.

5. *N. Y. Tribune*, July 17, 1866.

tion and value of these lands and the method of securing them. Surveys were made and some transportation afforded. Thousands of families took advantage of this law. Progress in this direction was, however, somewhat retarded by lack of appropriation for supplying the settlers with tools and other agricultural necessities.<sup>1</sup>

By the terms of the act of July 16, 1866, the existence of the bureau would cease July 16, 1868. In his annual report of November, 1867, General Howard recommended: (1) that the relief work of the bureau be discontinued, if possible, when the term of the bureau should expire by the existing law, but that the work of education and of collection of claims of negro soldiers be carried on longer; (2) that the educational work and the funds be transferred to the department of education, or other United States agency, with ample power to extend the school system; (3) that the school buildings upon lands purchased by regularly incorporated institutions of learning, be transferred to the corporate body having those institutions in charge; (4) that the settlement of claims of colored soldiers be entrusted to the war department. He believed that the states would be reconstructed by July, 1868, and that the negroes, with military protection and educational assistance would be able to care for themselves.<sup>2</sup>

The question was promptly taken up by congress. The committee on freedmen's affairs were instructed to investigate it.<sup>3</sup> Finally after three or four months' consideration,<sup>4</sup> they reported a bill continuing the bureau one year after July 16, 1868.<sup>5</sup> They declared that they were urged to endorse this measure, not only by the constitutional con-

1. *Statutes at Large*, XIV, 66; *Ho. Reports*, 40th Cong., 2nd Sess., No. 20, p. 16.

2. *H. Ex. Docs*, 40th Cong., 2nd Sess., Vol. 2, No. 1, p. 691.

3. *Cong. Globe*, 40th Cong., 1st Sess., Appendix, p. 796.

4. *Ibid.*, 40th Cong., 2nd Sess., p. 473.

5. *Ibid.*, p. 1793.





ventions of nearly all the southern states,<sup>1</sup> but by General Howard himself. He had recently advised them: "Since writing the report in question (November, 1867) I have attempted to discharge all officers and agents in certain states and in part from certain other states. A reaction against the interests of the freedmen immediately followed. This I did not anticipate. . . . Officers and agents of the bureau are required to bring all cases involving a violation of the civil rights act before the United States courts. . . . Again, the practical effect of discharging the officers and agents has been to close up the schools; to intimidate union men and colored people; and, in fact, to paralyze almost completely the work of education." Besides, pressing need of relief had rendered obligations necessary which could not be easily met and fulfilled so early as July. For these reasons the commissioner favored continuance for one year.<sup>2</sup>

The bill was strongly opposed by Fernando Wood on the ground that the bureau was unconstitutional, expensive, injurious, fostering idleness among negroes, arousing animosity between black and white, preventing proper cultivation of plantations, serving as a political machine and illegally confiscating property. On the final passage, however, the vote stood 97 to 38.<sup>3</sup> In the senate it was fought by Hendricks and Davis, but with amendments it passed without division.<sup>4</sup> The amendments were accepted by the house, June 19, and after the customary veto it became a law July 6, 1868.

By this act the bureau was to continue for one year from July 16, 1868. When necessary the secretary of war was empowered to re-establish the bureau where it had been discontinued. With the consent of congress he might also

1. Ho. Misc. Docs., 40th Cong., 2nd Sess., No. 44.

2. Ho. Reports, 40th Cong. 2nd Sess. No. 30, p. 29.

3. Cong. Globe., 40th Cong. 2nd Sess. p. 1998.

4. McPherson, Reconstruction, 349.

discontinue it in states restored to constitutional relations in the union. The educational work in a state was not to be interfered with till the state had made provision for negro education. Unexpended balances not otherwise required were to be devoted to education. The commissioner was also authorized to sell school buildings to associations, corporate bodies or trustees then using them for educational purposes.<sup>1</sup>

Meanwhile Senator]Howard had introduced a bill of somewhat different tenor. It provided: (1) That General Howard should be retained as commissioner. In case of vacancy, however, the office was to be filled by the president, upon nomination of the secretary of war and with the advice and consent of the senate. All assistant commissioners should be appointed by the secretary of war on nomination of the commissioner. (2) That on January 1, 1869, the commissioner should cause the bureau to be withdrawn from all states then restored to their former relations and represented in congress. But the educational work and the claims division should continue until otherwise ordered by congress.<sup>2</sup> With little discussion and slight amendment this measure passed the senate and house.<sup>3</sup> Again the veto came and, on July 25, the very day that the message was received, it was overridden. Every democrat voted to sustain the veto, not because they opposed the discontinuance of the bureau, but because they insisted upon its total abolition and because they saw in this measure an attempt to remove the headship of the organization from the president to the secretary of war and, indirectly, to the senate.<sup>4</sup>

1. Statutes at Large, XV, 83; McPherson, Reconstruction, 349.

2. Ibid., 378; Statutes at Large, XV, 193; Cong. Globe, 40th Cong., 2nd Sess., p. 3424.

3. Ibid., pp. 3566, 3956, 4007.

4. McClellan, Republicanism in America, 268; McPherson, Hand-Book of Politics, 1868, p. 349; Cong. Globe, 41st Cong., 2nd Sess., p. 2317.



The commissioner promptly issued orders and took steps calculated to effect, with the least possible violence, the changes proposed by this new law. Officers were informed that their services would not be needed after January 1. Freedmen were advised that they must look to civil authorities for protection and redress and that government supplies of food, clothing, and medicine soon must cease. Disbursing officers were instructed to settle outstanding accounts and to sell superfluous public property. Hospitals were closed as rapidly as circumstances would permit.<sup>1</sup>

Before the close of the year southern whites and blacks and assistant commissioners frequently urged the further continuance of the bureau.<sup>2</sup> Senator Pomeroy had introduced a bill for this purpose, but it never emerged from the committee to which it was referred.<sup>3</sup> The commissioner himself was convinced that the bureau had outlived its usefulness. He recommended, however: (1) an appropriation to be placed in the hands of commanders for the relief of suffering which would inevitably result from the withdrawal of the bureau from Mississippi and Virginia; (2) the maintenance of a hospital at Washington; (3) a small appropriation for the hospital at New Orleans; (4) the transfer of school buildings to benevolent societies; (5) a large appropriation for schools and colleges in the District of Columbia.<sup>4</sup>

In partial compliance with these suggestions an act was passed April 7, 1869, authorizing the commissioner to continue the freedmen's hospitals in Richmond, Vicksburg, and the District of Columbia, and the asylums for the aged and infirm freedmen and for orphan colored children. The expense of these institutions was to be paid out of appropria-

1. *Ho. Ex. Docs.*, 41st Cong., 2nd Sess., No. 142, p. 16.

2. *Ibid.*, 40th Cong., 3rd Sess., Vol. 3, No. 1, p. 1058.

3. *Cong. Globe*, 40th Cong., 3rd Sess., p. 13.

4. *Ho. Ex. Docs.*, 40th Cong., 3rd Sess., Vol. 3, No. 1, p. 1058.

tions already made and the hospitals were to be discontinued as soon as the president should think practicable.<sup>1</sup>

The scope of the bureau's operations had thus been limited until it embraced only three branches of effort: hospital relief, education, and settlement of claims. Even in these branches its work had been reduced to such narrow limits and the conditions under which it labored had so changed that the expediency of retaining it was now open to grave question.

In the early months of 1870 numerous proposals were made in congress to bring the work of the bureau to a close. The several bills were referred; some were never reported; some were discussed at length, repeatedly passed over, and never brought to a vote.<sup>2</sup> In the house Mr. Arnell reported a bill from the committee on education and labor, which provided for the transfer of the functions and resources of the bureau to the department of education, the war department, and the benevolent associations. After much discussion and minor amendment it passed the house, but expired in the senate.<sup>3</sup>

So the bureau lived on, but its life grew ever narrower and more insignificant. The collection and payment of bounties and other claims still continued and this came to occupy nearly all the remaining agents and clerks. The work of relief was confined to the Washington hospital and asylum. By July, 1870, the school funds were all expended or promised. The entire force employed by the bureau in October, 1870, did not exceed eighty-seven persons.<sup>4</sup> Gen-

1. *Statutes at Large*, XVI, 8.

2. *Cong. Globe*, 41st Cong., 2nd Sess., pp. 663, 1087, 1443, 2953, 4309, 2037, 1489; *Ibid.*, 3rd Sess., p. 29.

3. *Ibid.*, 41st Cong., 2nd Sess., pp. 1813, 2295, 2316, 2431, 2422, 2534, 3135. Index says "passed, p. 5287," but debates on that page do not indicate such action.

4. *H. Ex. Docs.*, 41st Cong., 3rd Sess., Vol. 1, No. 1, p. 313; *Ibid.*, 42nd Cong., 2nd Sess., No. 1, p. 451.



eral Howard had frequently repeated his recommendation that the work of the bureau be transferred to other agencies;<sup>1</sup> but now that this decrepit old institution made no heavy demands upon the treasury of the United States, now that it was impotent as a political engine and unimportant as a field of patronage, its existence aroused no strenuous opposition. Early in 1872 its abolition was again proposed in the house, but no action was taken until June 10, when an appropriation of \$100,000 was made for the collection of claims of negro soldiers, but made only on condition that from and after June 30, 1872, the freedmen's bureau should be discontinued, its officers discharged, and its acts relating to the aforesaid claims carried out by the secretary of war and requisite clerks.<sup>2</sup> A long period of attempted and actual diminution of power had at last ended in total abolition.

1. Cong. Globe, 42nd Cong., 1st Sess., p. 839.

2. Statutes at Large, XVII, 366.

## CHAPTER V

### EDUCATIONAL WORK

General Howard found many schools for freedmen and refugees already in existence. A few of them were in charge of tax commissioners. A few were organized and maintained by the negroes themselves. In Louisiana a few were supported by a military tax upon the people of the state. But most of them were sustained by the various benevolent associations of the north. These schools were of four kinds: (1) day schools, where instruction was given to the younger and unemployed children; (2) night schools, attended by older children, parents, and other working people; (3) industrial schools, where women were taught to sew and make garments; (4) Sunday schools devoted to instruction in the rudiments of education and Christianity.

*Kennedy's  
Schools*

The original freedmen's bureau act made no provision for negro education. Consequently, during the first year, the educational operations of the bureau were relatively unimportant. Still General Howard reported: "Though no appropriation had been granted by congress for this purpose, by using the funds derived from rent of abandoned property, by fitting up for school houses such government buildings as were no longer needed for military purposes, by giving transportation for teachers, books, and school furniture, and by granting subsistence, I was able to give material aid to all engaged in educational work." Protection and encouragement were accorded to schools and teachers. A general superintendence was instituted. In each state was

1. Ho. Ex. Docs., 41st Cong., 2nd Sess., No. 142, p. 11.



stationed a school officer to organize and harmonize the agencies that were already in the field and co-operate with them in the establishment of new institutions of learning.<sup>1</sup> By this unification the forces employed were economized; by definite and vigorous government support their sphere of effort was widely extended.

But much of this government assistance had been given without specific authorization of congress. Furthermore, the buildings which had been used for school purposes were rapidly restored to their former owners and the associations were left, not only without buildings, but without land on which to erect school-houses at their own expense. So bureau officials and representatives of educational agencies persistently urged the necessity of further congressional action in aid of negro education.<sup>2</sup> Their appeals were not unavailing. By act of July 16, 1866, the educational powers of the bureau were greatly enlarged. Co-operation with private "benevolent associations and with agents and teachers accredited by them" was sanctioned. The commissioner was directed to "hire or provide by lease buildings for purposes of education, whenever teachers and means of instruction without cost to the government should be provided." He should "furnish such protection as might be required for the safe conduct of such schools." The sum of \$521,000 was appropriated for school expenses and a considerable fund was provided from the sale and lease of property formerly belonging to the confederate government.<sup>3</sup> Further legislation gave still stronger impulse to the work. On March 2, 1867, the same day on which the department of education was established, congress voted \$500,000 for bureau schools and asylums.<sup>4</sup> The annual army appropri-

1. Ho. Ex. Docs., 39th Cong., 1st Sess., No. 11, p. 49.

2. Sen. Docs., 1865-6, No. 27, p. 108; Alvord, Report on Schools for Freedmen, January, 1868, p. 1.

3. Statutes at Large, XIV, 173.

4. *Ibid.*, XIV, 434.

tion bills during the next two years made liberal provision for them. Under an act of June 24, 1868, all "unexpended balances in the hands of the commissioner, not required for the due execution of the law," might be, "in the discretion of the commissioner, applied for the education of freedmen and refugees."<sup>1</sup>

By these several acts the scope of the bureau's educational operations was extended and the discretionary power of the commissioner enlarged. The money thus placed at his disposal was divided into several funds. The school fund, derived from the seizure and sale of confederate property,<sup>2</sup> was left in the hands of the several assistant commissioners to be expended for salaries of teachers, care of buildings, and other local purposes in the district in which it was raised. The appropriation fund was devoted to the construction, rental, and repair of buildings for higher schools and asylums. Of the miscellaneous refugee and freedmen's fund a certain portion was used in general school work and in making up deficiencies in government appropriations.

The bureau school system now assumed a more comprehensive and more stable character. Grading of city and village schools was begun. The same general supervision was continued. But because of the greater effort and added powers of government officials, the benevolent societies did not lessen their striving. This manifestation of government support rather encouraged them to more strenuous endeavor. The practical consolidation of their societies into the two central organizations, the American missionary association and the American freedmen's union commission, resulted in increased vigor, in greater confidence, in added thoroughness of co-operation.<sup>3</sup> The number of bureau schools steadily increased and in November, 1867, the commissioner was

1. Statutes at Large, XIV, 434, Sec. 3.

2. Under Act of July 16, 1866.

3. Alvord, Report on Schools, January, 1868.





*Correct - "the remotest Counties  
of each State lately in rebellion?"*

*wrong!!*

able to report that they had reached "the remotest counties of each of the confederate states."<sup>1</sup>

So elementary instruction was by no means neglected. But the desirability of having competent colored teachers had been early recognized and a movement for the establishment of high and normal schools started. The extension of his powers and the aid of the congressional appropriations, now enabled General Howard to lend valuable assistance to that movement. In October, 1869, he reported that in each state at least one normal school had been organized for the training of teachers and that several chartered colleges for colored people were in operation. Of course these were largely the product of private benevolence.<sup>2</sup> But a large number of them had been aided by the bureau. The list included: the National Theological Institute, Howard University, St. Martin's School, and Miss M. R. Mann's School, in Washington; Richmond Normal and High School, and Hampton Normal and Agricultural Institute in Virginia; St. Augustine's Normal School and Biddle Memorial Institute, in North Carolina; South Carolina High and Normal Schools in South Carolina; Atlanta University in Georgia; Alabama High and Normal Schools, in Alabama; Wesleyan College, Fisk University, Roberts College, and Maysville College, in Tennessee; Berea College, Kentucky; Wilberforce University, in Ohio; Quindaro High School, in Kansas; Storer College, in West Virginia; St. Bridget's Parochial School, Lincoln University, Avery College, and the Institute for Colored Youth, in Pennsylvania.<sup>3</sup> Besides, normal classes had been organized in various graded schools. Some of these institutions received, through the agency of the bureau, but slight measure of government aid; others were liberally supported. Among the latter class Howard university was

1. Ho. Ex. Docs., 40th Cong., 2nd Sess., No. 1, p. 651.

2. Ibid., 41st Cong., 2nd Sess., No. 1, p. 11.

3. Alvord, Reports on Schools, July 1, 1868, and January, 1869.

most conspicuous. It was incorporated March 2, 1867, "for the education of youth in the liberal arts and sciences," and was to consist of six departments: normal, collegiate, theological, law, medical, and agricultural. It was designed to afford classical, scientific, and professional culture. Among its trustees were General O. O. Howard and General C. H. Howard. Under the direction of the commissioner buildings for this university were constructed and funds furnished for its support. Through him hundreds of thousands of dollars were contributed to it from the bureau appropriations. Its privileges were extended not only to freedmen and refugees, but to all classes and to both sexes. Whatever irregularities may have characterized the bureau's financial relations with it, Howard University has proved not merely a temporary expedient of great value, but a permanent success.

The immediate importance of these higher institutions was chiefly seen in the personnel of the instructing body in schools of a lower grade. In 1865 and 1866 the teachers in these elementary schools were almost exclusively northern whites sent out and supported by benevolent associations. Of course this class of teachers was always prominent. But with the development of normal schools the teaching staff of whites began to be strongly re-enforced by colored men and women. Of the 1,871 teachers reported in the year 1869, about one half were of African descent. In some localities the percentage was even larger.<sup>1</sup> This change of personnel had its advantages and its disadvantages. In scholarship and in intellectual capacity, the white teacher was undoubtedly superior; but, on the other hand, the colored teacher better understood the characteristics of the negro and his efforts aroused, among the southern whites, less of that hostility which often seriously hampered the efforts of northern whites.

1. Alvord, Report, January, 1869, p. 7; Report of Commissioner of Education, 1870, p. 338.



The attitude of southerners toward negro education varied with the individual, the locality, and the circumstances. It found expression sometimes in violence and insult, sometimes in ridicule and disdain, sometimes in warm support. Prejudice, war passion, resentment of the idea of the social equality of races, jealousy of northern interference with southern affairs, and fear of the educated negro, nourished opposition to negro schools in general and excited especial aversion to schools under federal control. In many regions this opposition was very persistent. Along the coast it was usually tacit and suppressed. There teachers and schools for negroes were ignored. But, in the interior of Texas, Alabama, Mississippi, Louisiana, Kentucky, Tennessee, and Maryland, it was given full and free expression.<sup>1</sup> Negroes were dispossessed of their school buildings, teachers not allowed to enter upon their duties, churches and school houses sometimes burned. Throughout the whole period of the bureau, reports of insults and of malicious interference were frequently received. Such reports furnished additional argument in favor of government supervision and military protection of freedmen.<sup>2</sup> In later years, at least, these disturbances were largely attributable to the lower class of whites.<sup>3</sup> The "poor whites" could not, with equanimity, see themselves outstripped.<sup>4</sup> In Tennessee, the bitterest opponents of the negro were found among the mountain loyalists, many of whom had been union soldiers. Among the better class of southerners, colored schools began to find favor at an early date. In 1866 many of the more intelligent and influential men were convinced that educa-

1. Ho. Ex. Docs., 39th Cong., 1st Sess., No. 70, p. 159; N. Y. Tribune, Aug. 21, 1865.

2. Brown, Lower South, 217; Waterbury, Seven Years, 15, 51; Sen. Docs., 39th Cong., 1st Sess., No. 27, pp. 108-120.

3. Alvord, Report, January, 1866, p. 8.

4. Ibid., July, 1866, pp. 13, 27, 34; Report of Joint Committee on Reconstruction, Part II, 290.

tion would make the negro a better citizen and that it was necessary.<sup>1</sup> Judge R. A. Hill, a southern-born loyalist, found no opposition to schools in Mississippi.<sup>2</sup> The Episcopal church of Virginia was encouraging negro education.<sup>3</sup> It is true that the general sentiment was not so sympathetic.<sup>4</sup> Then, as many years after, some were indifferent; many were hostile.<sup>5</sup> But reflection and experience were gradually changing public opinion. In August, 1867, Langston, bureau superintendent of schools in Mississippi, said that he had talked with no leading influential white man in that state, whatever his attitude toward rebellion and slavery, who did not express the opinion that the freedmen ought to be educated.<sup>6</sup> In 1868 Superintendent Alvord reported that those of intelligence acknowledge that "education must become universal. . . . Planters admit . . . that it would secure more contented labor. . . . Leading statesmen plead that these millions would be a safer element in their midst if made moral and intelligent." Religious conventions in many parts of the south passed resolutions urging their members to give instruction to their negroes.<sup>7</sup> In an address in Brooklyn, April, 1870, Dr. Curry of Alabama, said: "More enthusiasm in the cause of education exists now in the south than ever before. In this awakening sense of necessity of a high and universal education, both races are included."<sup>8</sup> There was much of the old reluctance of whites to tax themselves for the support of negro

1. Report of Joint Committee on Reconstruction, Part I, 112; Part II, 115, 126, 290, 137, 165, 243, 232, 130, 87, 74; Ho. Ex. Docs., 39th Cong., 2nd Sess., No. 1, p. 716.

2. Report on Reconstruction, Part III, 66.

3. Ibid., Part II, 92.

4. Ibid., Part IV, 2; Part II, 243, 202, 218, 232, 137, 150, 142, 87.

5. Ibid., Part II, 111, 202, 218, 232, 235; Part IV, 2, 78.

6. N. Y. Tribune, Aug. 9, 1867.

7. Alvord, Report, January, 1866, p. 7.

8. Report of Commissioner of Education, 1871, p. 6.

*How far  
at the  
time  
was it*



schools.<sup>1</sup> But in 1868 the question of a permanent school system was publicly discussed and its ultimate adoption seemed practically assured.<sup>2</sup>

Important considerations, however, militated against a hearty southern support of bureau schools. The white people were too poor; they were too much occupied with material interests, with the restoration of industrial order, and with political reconstruction. Many argued thus: the north has freed the slaves, now let the north educate and care for them. Many also who believed in negro education, considered that the schools under the supervision of the bureau did more harm than good, emphasizing the non-essential, fostering race prejudice, and inculcating false political notions.

The annual amount which the bureau devoted to school purposes rapidly increased from \$27,000 in 1865 to nearly one million in 1870. Between June 1, 1865, and September 1, 1871, the total reached \$5,262,511.26.<sup>3</sup> This sum represented considerably more than half the total expense of schools under bureau supervision; but benevolent associations always sustained a liberal share of the financial burden, and the annual contribution of the freedmen gradually increased.<sup>4</sup> The bureau maintained a nominal supervision over negro schools until its abolition in 1872. But its real efficient assistance ceased before July, 1870, when the last congressional appropriation had been expended. At that time there were under its direction 2,677 day and night schools with 3,300 teachers and 149,581 pupils; 1,562 Sabbath schools with 6,007 teachers and 97,752 pupils, or a grand total of 4,239 schools, 9,307 teachers, and 247,333

1. Ho. Ex. Docs., 39th Cong., 2nd Sess., No. 1, p. 716; Report on Reconstruction, Part II, 99, 115, 137.

2. *Ibid.*, 40th Cong., 3rd Sess., No. 1, p. 1028.

3. Report of Commissioner of Education, 1871, p. 6; Bureau of Education, Circular of Information, 1892, No. 1.

4. Curry, Negro since 1860, p. 16.

pupils.<sup>1</sup> These were irregularly distributed over the southern and border states. Reports from all quarters showed a marked increase in attendance, an advance in scholarship, and a record for punctuality and regularity which compared favorably with schools of the north.

This was the condition of the educational department when supervision was transferred to the national bureau of education. But the freedmen's bureau had fallen far short of a solution of the problem of negro education. Of the four million eight hundred and eighty thousand free colored people in the United States in 1870, nearly 1,700,000 were of school age.<sup>2</sup> In 1869 only one-tenth of these children were attending school.<sup>3</sup> When deductions are made for names duplicated in the reports, it is probable that no greater proportion received instruction of any kind in 1870. More than half a million black children were unprovided with the slightest educational facilities. Setting the number annually taught at the highest possible figure, it did not greatly exceed the annual increase in negro population. Of course the mass of adult negroes were densely ignorant and many of the school children were making but the slightest acquaintance with the three "r's." Even the adults knew little of the management of schools and were unfit to judge of the qualification of teachers. Not all states had made provision for negro education, and in many states, such provision was inadequate.<sup>4</sup>

What, then, is a just estimate of the bureau's educational work? It inaugurated a system of instruction, though it

1. Ho. Ex. Docs., 41st Cong., 3rd Sess., No. 1, p. 321. There were 74 normal schools with an attendance of 8,157 and 61 industrial schools with an attendance of 1,750.—Ho. Ex. Docs., 41st Cong., 3rd Sess., No. 1, p. 317.

2. Compendium of Ninth Census, 1870, pp. 452-3, p. 12.

3. Report of Commissioner of Education, 1870, pp. 493, 496; Ho. Ex. Docs., 41st Cong., 2nd Sess., No. 142, p. 1.

4. Ho. Ex. Docs., 41st Cong., 2nd Sess., No. 1, p. 317.



did not perfect that system nor assure its continuance. It gave central organization, encouragement, protection, and financial support to the efforts of philanthropists, freedmen, and states. By affording protection and encouragement, it induced more teachers to engage in the education of negroes. By extending government supervision and sanction, it inspired philanthropists with increased confidence in the work of benevolent and religious societies.

The schools aided and established by the bureau were of two general classes: local common schools and institutions of a higher grade. Of the local schools, reports are so conflicting that it is almost impossible to judge them fairly. Some observers have denounced them as unqualified failures. Others, and among them men of decided southern sympathies, attribute to them no mean measure of success. In some localities their influence was considered good; in others, decidedly bad, encouraging impudence and inculcating ideas of the social and political equality of the races. Each of these opinions is based principally upon observation of a small number of schools in the observer's own vicinity, not upon a broad view of the whole field. They correspond roughly to the variety which the schools themselves presented. The late Dr. J. L. M. Curry, former secretary of the trustees of the John F. Slater fund, was long intimately and officially connected with educational work in the south and was thoroughly conversant with the history of southern schools. He was southern born and bred and was personally acquainted with the character and condition of the negro and with the operations of the freedmen's bureau. In a letter written a few years ago he expressed the following opinion as to the educational work of the bureau: "What was done locally and individually was almost universally short-lived and in utter misapprehension

of conditions and methods."<sup>1</sup> Although somewhat harsh and sweeping, this criticism undoubtedly points out the great weakness of these early efforts at negro education. Regardless of the negro's condition and history, an attempt was made to introduce a superficial, theoretical form of education. In the words of Booker T. Washington: "Men have tried to use, with these simple people just freed from slavery and with no past, no inherited traditions of learning, the same methods of education which they have used in New England, with all its inherited traditions and desires."<sup>2</sup> This schooling was but one element in the veneer of American civilization which the north brought to the black population of the south. Good in themselves, these schools did not strike at the root of the matter and sometimes tended to divert the mind of the negro from those immediate duties of self-preservation which freedom devolved upon him and to encourage his inordinate appetite for Greek and Latin lore. But it should be borne in mind that the character and influence of these schools depended largely upon the character and attitude of teachers and upon the aims and opinions of the members of the benevolent societies. The bureau simply furnished financial aid and general supervision. Its tendency was to promote uniformity and co-operation.

Certain zealous friends of the bureau tell us that out of the efforts of General Howard and his assistants grew the southern public school system of today. It seems, how-

1. All these opinions are from MS. letters written by such men as Gen. Stephen D. Lee of Mississippi, Prof. K. P. Battle of the University of North Carolina, Hon. R. H. Battle, ex-private secretary to Gov. Vance of North Carolina and Dr. Curry of Washington. Of the last named gentleman, B. T. Washington says: "Dr. Curry is a native of the south, an ex-confederate soldier, yet I do not believe there is a man in the country who is more deeply interested in the highest welfare of the negro than Dr. Curry, or one who is more free from race prejudice."  
- Up from Slavery, p. 194.

2. Future of the American Negro, p. 25.





ever, that their case is by no means established. For in the bureau's educational work we find nothing like a system of state public schools. There is merely a general supervision of schools supported largely by private benefaction and devoted primarily to the education of one race. It is true that in many states the public school system was established under the carpet-bag governments during the latter years of the freedmen's bureau; but there seems to be no intimate relation between the two. Bureau officials doubtless urged the adoption of such a system, by direct argument and by arousing in the black race, then nominally dominant, an interest in education. But the system first adopted was modeled on the northern school system rather than on the bureau system. Provisions for the free education of both races were incorporated in the laws and constitutions; but, owing to the waste of public funds, to the hostility of leading citizens toward the usurping government, to the poverty of the southern people, and often to the inadaptability of the system to the peculiar circumstances of the reconstruction period, no great success was attained until the whites again secured control. The connection between the bureau schools and the public school system of today is doubly remote. The temporary importance of the former should not be underrated, but their influence was mainly temporary.

It was rather in the establishment and encouragement of larger and higher institutions that the bureau performed its most substantial and permanently beneficial service to education. "It helped to discover" such men as Ware, Cravath, and Armstrong; and, while many colleges and universities sprang up like mushrooms and proceeded upon mistaken lines,<sup>1</sup> institutions like Fisk University, St. Augustine Normal School, Hampton Institute, and Howard University, are still potent factors. In them was inaugurated a system of professional, normal and industrial training which is doing much to solve the negro problem of today.

1. DuBois, in *Atlantic Monthly*, Vol. 87, p. 261.

2. Carry, in *Proceedings of First Annual Conference at Montgomery*, 1900, p. 109.

## CHAPTER VI

### RELIEF WORK

The relief work of the bureau naturally admits of three sub-divisions: (1) caring for the sick; (2) feeding, clothing, and sheltering the destitute; (3) transporting black and white refugees to their homes and to better fields of labor.

#### *I. Caring for the Sick*

One of the first duties of the bureau was to attend to the physical wants of those actually suffering. Its organization found some hospitals already established. In the Mississippi valley and in the District of Columbia, General Eaton and Surgeon Horner had inaugurated systematic plans for the care of the destitute sick. The sanitary commissions and freedmen's aid societies had also turned their attention to this field. In Augusta, Georgia, a society of colored people had established and equipped a freedmen's hospital. These institutions were filled with the sick, the imbecile, the insane, the deaf and dumb, the maimed, the deformed, the orphaned, and the aged. General Howard early saw that they needed aid and direction. They needed to be increased in number and capacity. The act of March 3, 1865, made no provision for medical or hospital service, but the powers of the commissioner were ample and the medical division early found a place in the bureau.

General Howard consulted the surgeon general who aided by detailing surgeons and furnishing medical supplies.

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Surgeon C. W. Horner<sup>1</sup> was chosen chief medical officer of the bureau. He was a member of the army medical board and as superintendent of freedmen's affairs in the District of Columbia, he had shown marked efficiency in organizing a system of medical relief. During the summer of 1865, fourteen surgeons and three assistant surgeons were detailed as local bureau officers in the several states. They were instructed to relieve the medical department of the army of the care of the sick refugees and freedmen, to aid the assistant commissioners in establishing new hospitals, and to employ the requisite number of physicians and attendants to minister to the wants of the sick. They promptly engaged a considerable number of physicians and still larger corps of attendants. Medical and hospital supplies were furnished by the general surgeon. The salaries of private physicians were paid by voluntary contributions or from the general fund of the bureau. During the first year, serious embarrassment arose from the want of congressional appropriation.<sup>2</sup> After 1866, however, the medical division received a liberal share of the sum annually appropriated for bureau purposes.

The existent hospitals, asylums, and colonies,<sup>3</sup> were maintained and enlarged by the bureau. An effort was made to provide facilities adequate to the needs of unfortunate freedmen and refugees. The territorial extension of the bureau in 1866 necessitated a corresponding increase in the number of those institutions. But, in the following year, the chief medical officer determined upon a policy of retrenchment. A few hospitals were displaced by dispensaries

1. From 1865 to 1866, Surgeon Horner was in charge; from 1866 to 1869, Surgeon L. A. Edwards; from 1869 on, Surgeon R. Reyburn.

2. Ho. Ex. Docs., 39th Cong., 1st Sess., Vol. 7, No. 11, p. 18; *Ibid.*, 41st Cong., 2d Sess., Vol. 6 No. 142, p. 5.

3. Colonies, established in districts populous with freedmen, were infirmaries, consisting of a hospital and a number of cabins for the orphaned and helpless, and were places of transit for persons seeking their homes. Sen. Docs., 39th Cong., 2d Sess., Vol. 1, No. 6, p. 6.

and other less expensive relief establishments. Orphan asylums and hospitals, previously separated, were sometimes united so that one set of officials could serve both. Where neighboring hospitals were maintained on account of a few chronic cases, the bureau substituted one central hospital.<sup>1</sup> Gradually these helpless inmates were turned over to state and local authorities. The reluctance, however, of such authorities to take up this new burden rendered the transfer movement extremely slow. Three years had passed and the number of bureau hospitals remained substantially constant. The maximum was reached in September, 1867, when there were 45 hospitals with a capacity of 5292 beds. Neither did the number of asylums, colonies, and dispensaries show signs of diminution. The change came only with the death knell of the bureau itself.

After the passage of the act of July 25, 1868,<sup>2</sup> the process of closing these institutions went on rapidly. By October of that year the number of hospitals had been reduced one half; by June, 1869, but two hospitals and one asylum remained. Most of the inmates had been transferred to state and local institutions. In order to induce local authorities to accept these new charges, the commissioner sometimes donated medicines, hospital stores, and hospital furniture, on condition that the United States government should be relieved of the care and support of such patients in the future.<sup>3</sup> In some cases this inducement was insufficient. In the District of Columbia, where a disproportionate number of refugees had congregated, it was thought unjust to make them a local charge. The untransferred patients were gathered at Washington and Richmond, where two hospitals and one asylum were still maintained. It seemed unwise and inhumane to close these promptly. So an act was

1. Ho. Ex. Docs., 40th Cong., 2d Sess., Vol. 2, Part I, No. 1, p. 628.

2. Statutes at Large, XV, 193.

3. Ho. Ex. Docs., 41st Cong., 2d Sess., Vol. 6, No. 142, p. 16.



passed authorizing the commissioner to continue them until the president should deem it practicable to discontinue them.<sup>1</sup> Later in that year the institution at Richmond was closed; but those at Washington remained under bureau supervision until June 30, 1872. They were then placed in charge of the war department,<sup>2</sup> and, later, of the department of the interior.<sup>3</sup> Of the patients in 1870 Dr. Reyburn said the vast majority were so helpless, either from old age or bodily infirmity, that they would require support from some source during the remainder of their lives.

The hospitals under bureau control were unequally distributed among the several states of the south and the District of Columbia. The number reported from each state varied from year to year; but, in the aggregate, Virginia had the most. The next in order were Georgia, Alabama, North Carolina, Mississippi, Arkansas, South Carolina, and District of Columbia. In Florida, Louisiana, Texas, Kentucky, and Tennessee, the number was unusually small, Texas and Florida never having over one at a time; and even that one in Texas ceased to be reported after 1865.

With the reduction in the number of hospitals came a correspondingly rapid reduction in the number of physicians and hospital attendants. The tables show also a notable and disproportionate shortening of the list of commissioned surgeons after 1866. This was the result of the plan of the chief medical officer to place the hospitals in the hands of private physicians and attendants. To accomplish this, commissioned surgeons were mustered out and then re-engaged as private physicians or superseded by local physicians.<sup>4</sup>

1. Statutes at Large, XVI, 8.

2. Ibid., XVII, 366; XVIII, 223; Ho. Ex. Docs., 42nd Cong., 3rd Sess., No. 162, p. 1; No. 109, p. 4.

3. Ibid., 41st Cong., 3rd Sess., Vol. 1, No. 1, p. 319; Ibid., 41st Cong., 2nd Sess., Vol. 6, No. 142, p. 17.

4. Ho. Ex. Docs., 40th Cong., 2nd Sess., Vol. 2, No. 1, p. 634.

## RELIEF WORK

DATE	Number of Hospitals	Capacity of Hospitals	Number of Colonics, Asylums and Dispensaries	Capacity of Same	Number of Freedmen Treated	Per cent of Freedmen who Died	Number of Refugees Treated	Per cent of Refugees who Died	Commissioned Surgeons	Private Surgeons	Hospital Attendants
June 1 to Nov. 1, 1865	42	4,930	24	5,000	45,848	13.1	2,551	9.1	18	83	337
Nov. 1, 1865 to Sept. 1, 1866	46	4,422	52	5,000	18,073	4.6	5,704	2.2	17	101	406
Sept. 1, 1866 to Oct. 1, 1867	46	5,292	48	5,000	13,726	3.4	8,833	1.9	9	96	429
Oct. 1, 1867 to Oct. 1, 1868	24	2,721	48	5,000	15,060	2.5	7,699	1.42	0	63	241
Oct. 1, 1868 to June 30, 1869	2	606	7	5,000	6,597	1.03	1,366	1.42	0	5	53
June 30, 1869 to Oct. 11, 1870	1	1	1	101	1,500	9.1	—	—	0	—	—
Oct. 11, 1870 to June 30, 1871	1	320	1	101	1,657	8.5	—	—	0	—	—
June 30, 1871 to June 30, 1872	1	—	1	—	663	16.7	—	—	—	—	—

1. Ho. Ex. Docs., 39th Cong., 1st Sess., Vol. 7, No. 11, pp. 18-22.

2. Ibid., 39th Cong., 2nd Sess., Vol. 3, No. 1, p. 720; 40th Cong., 2nd Sess., Vol. 2, No. 1, p. 630; 40th Cong., 3rd Sess., Vol. 3, No. 1, p. 102; 41st Cong., 2nd Sess., Vol. 6, No. 142, p. 18; 41st Cong., 3rd Sess., Vol. 2, Part I, No. 1, p. 318.

3. Ibid., 42nd Cong., 2nd Sess., Vol. 1, No. 1, p. 432.

4. Ibid., 42nd Cong., 3rd Sess., No. 109, p. 30.—For 1870, 1871 and 1872, the number of patients treated includes both blacks and whites.

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deaf and dumb, the aged, and the orphaned. Insane colored persons were also temporarily cared for and an effort was made for some permanent disposition of them. (6) While this work was often done in co-operation with benevolent associations, the government, through the medical division, furnished general supervision, medical officials, and the greater part of the financial support.

### *II. Feeding and Clothing the Destitute*

Aside from the sick, many were destitute and deserving of aid. To relieve them without encouraging pauperism, was a difficult task. When the bureau was organized large issues of rations were being made by military commanders. The beneficiaries included loyal refugees, dependent freedmen, certain citizen employees and officers, and citizens laboring voluntarily for the freedmen. The streets in front of commissary offices were sometimes blocked with vehicles bringing men many miles to share the beneficence of the government. It was evident that many were drawing rations who were perfectly able to support themselves. Among great numbers of freedmen and refugees there was a common impression that they were to be permanent recipients of food furnished by the government.

The bureau act directed the commissioner to see that the immediate needs of the destitute were supplied. This he determined to do, but he sought also to prevent abuse of the privilege. Orders were sent to the subsistence officers in the several districts. Great precautions were taken to place reasonable limitations upon government aid. Rations were to be furnished only upon frequent returns signed by a commissioned officer, approved by the commanding officer of the post, and, if possible, also endorsed by an assistant commissioner. Children were to receive but half rations, and dependents capable of partial self-support were to be given only partial rations. Contrary to early prac-

tice, rations were not to be gratuitously supplied to teachers, but were to be sold to them on the same terms as to commissioned officers. . . . Careful discrimination was to be exercised in administering relief, so as to include none who were not absolutely necessitous and destitute, and relief establishments were to be "discontinued as speedily as the cessation of hostilities and the return of industrial pursuits will permit."<sup>1</sup>

The assistant commissioners took measures for the execution of these orders. In order to carry out their spirit, recourse was frequently had to means not specified by the commissioner. Sometimes "soup-houses" were instituted from which soup and bread were dispensed in lieu of rations; sometimes those able to work were compelled to pay for rations as issued or to give a lien upon their crops as security for such payment.<sup>2</sup> At the same time, intelligence offices, employment bureaus, and government transportation were doing much to disperse idle masses of negroes and whites.<sup>3</sup> Still the total issue of rations was enormous.<sup>4</sup> The occupation of more and more territory caused actual increase during 1865.<sup>5</sup> The harvest season came and yet reports of idleness occasioned by lavish food supply came from prominent southerners and government investigators.<sup>6</sup> So, August 22, 1866, the commissioner ordered that on and after October

1. Ho. Ex. Docs., 39th Cong., 1st Sess., Vol. 7, No. 11, pp. 15, 47; *Ibid.*, 41st Cong., 2nd Sess., Vol. 6, No. 142, p. 6; *Ibid.*, 39th Cong., 2nd Sess., Vol. 3, No. 1, p. 15.

2. *Ibid.*, 39th Cong., 1st Sess., Vol. 7, No. 11, p. 15; *Ibid.*, 39th Cong., 1st Sess., Vol. 6, No. 70, p. 128.

3. An employment office, supported by aid societies, had been established in Washington, with branches in Philadelphia, Baltimore, and other northern cities.—*Ibid.*, 39th Cong., 2nd Sess., Vol. 13, No. 1, p. 730; Sen. Docs., 39th Cong., 1st Sess., Vol. 2, No. 27, p. 154.

4. Ho. Ex. Docs., 39th Cong., 2nd Sess., Vol. 3, No. 1, p. 713.

5. Sen. Docs., 39th Cong., 1st Sess., No. 27, p. 29; *Ibid.*, 39th Cong., 2nd Sess., No. 6, p. 22, 135; Ho. Ex. Docs., 39th Cong., 1st Sess., Vol. 7, No. 11, p. 16.

6. N. Y. Times, May 14, 1866; June 13, 1866.



1, "the issue of rations be discontinued, except to the sick in regularly organized hospitals and to orphan asylums for refugees and freedmen already existing, and that state officials who may be responsible for the care of the poor, be carefully notified of this order, so that they may assume charge of such indigent refugees and freedmen as are not embraced in the above exception."<sup>1</sup>

Publication and enforcement of this order were followed by a manifold reduction in commissary expenses. In some districts the issue of rations became merely nominal.<sup>2</sup> But in many states it was deemed impracticable and inhumane to give the order full force. The presence of planters and laborers, whose fields had been devastated or whose crops had been destroyed by floods, of the wives and children of colored soldiers, of freedmen en route for Liberia, and the failure of state and municipal authorities to assist indigents,—all these circumstances rendered some modification of the order indispensable.<sup>3</sup> But the commissioner required that applications for support come through the governor or other state officials who might have necessary knowledge of the subject and that the issue of subsistence stores be strictly confined to the classes named in the bureau act: viz., "destitute and suffering refugees and freedmen, and their wives and children."<sup>4</sup>

During the winter and early spring of 1867, "the cry of distress came up from many parts of the south and appeals were made to congress for an extension of relief to all classes of destitute people." These were the urgent appeals of laborers who were reduced to the verge of starvation. In March, the matter was taken up in the senate and

1. Ho. Ex. Docs., 39th Cong., 2nd Sess., Vol. 3, No. 1, p. 712.

2. *Ibid.*, p. 713; Sen. Docs., 39th Cong., 2nd Sess., Vol. 1, No. 6, p. 150.

3. Sen. Docs., 39th Cong., 2nd Sess., Vol. 1, No. 6, pp. 9, 83, 102, 159, 135.

4. Ho. Ex. Docs., 39th Cong., 2nd Sess., Vol. 3, No. 1, p. 8; *Ibid.*, 40th Cong., 2nd Sess., Vol. 2, No. 1, p. 639.

upon recommendation of General Howard, a joint resolution was passed directing the secretary of war "to issue through the bureau supplies of food, sufficient to prevent starvation and extreme want, to any and all classes of destitute or helpless persons in those southern and south-western states where failure of crops and other causes have occasioned widespread destitution."<sup>1</sup> In accordance with this resolution, \$500,000 were set apart as a special relief fund, whose distribution was superintended by General Whittlesey. Of this sum \$445,993.36 were expended in the purchase of pork and corn for white and black unfortunates of the south.<sup>2</sup>

April 17, 1866, a special appropriation of \$25,000 was made for the poor of the District of Columbia.<sup>3</sup> On March 16, 1867,<sup>4</sup> and again on March 10, 1868,<sup>5</sup> congress voted \$15,000 for the special relief of the destitute in that district. These sums were expended under the direction of the commissioner of the bureau, partly in rations, groceries, clothing, and fuel, and partly in the form of wages to laborers on public works.<sup>6</sup>

Aside from these special forms of relief, the regular issue of rations continued, though in ever diminishing numbers, until January, 1869. After that, it was strictly limited to a few hospitals and asylums and was finally restricted to the hospital and asylum at Washington.

1. Ho. Ex. Docs., 40th Cong., 2nd Sess., Vol. 2, No. 1, p. 640; Statutes at Large, XV, 28.

2. Ho. Ex. Docs., 40th Cong., 2nd Sess., Vol. 2, No. 1, p. 639; *Ibid.*, 41st Cong., 2nd Sess., Vol. 6, No. 142, p. 7.

3. Statutes at Large, XIV, 353.

4. *Ibid.*, XV, 20.

5. *Ibid.*, XV, 41.

6. Ho. Ex. Docs., 40th Cong., 3rd Sess., Vol. 3, No. 1, p. 1035.



The number of rations issued to refugees and freedmen is shown in the following table:<sup>1</sup>

Year	Refugees	Freedmen	Total	Most Numerous in
1865.....	1115977.5	4134438.	5250415.5	Va., Ala., Ark. <sup>2</sup>
1866.....	3667233.	5787249.5	9456482.5	Va., Ala., Ark., N. C., Mo. <sup>3</sup>
1867.....	457443.	3110190.	3567633.	Va., Ala., S. C., N. C., D. C. <sup>4</sup>
1868.....	248314.	2374587.	2622901.	Va., D. C., Fla., La. <sup>5</sup>
1869 (to Sept.).....		238499.8	238499.	
Total.....	5990967.5	15064664.5	20155930.	

The second table shows the geographical distribution during the period when the issue of rations constituted an important part of the bureau's operations:

	Virginia	North Carolina	South Carolina	Georgia	Alabama
June 1865 to Sept. 1866....	2403543.5	1426694	1111847	847699	3651647.5
Sept. 1866 to Sept. 1867....	840139	366928	1052952	439788	486584
Sept. 1867 to Sept. 1868....	870234.5	101943	111553	162045	86907
	Florida	Mississippi	Louisiana	Texas	Missouri & Arkansas
June 1865 to Sept. 1866....	25665	462412	612781.5	13175	1705055
Sept. 1866 to Sept. 1867....	53036	99842	248107	4081	79612
Sept. 1867 to Sept. 1870....	890216.5	160816.5	197454	176	95031
	Tennessee and Kentucky	Maryland	District of Columbia		
June 1865 to Sept. 1866.....	518101	10640	643116 <sup>7</sup>		
Sept. 1866 to Sept. 1867.....	117275	644	406687 <sup>8</sup>		
Sept. 1867 to Sept. 1868.....	112022.5	1622	312636 <sup>9</sup>		

1. Ho. Ex. Docs., 41st Cong., 2nd Sess., Vol. 6, No. 142, pp. 20, 21.
2. McPherson, *Reconstruction*, 69.
3. Ho. Ex. Docs., 39th, 2nd Sess., Vol. 3, No. 1, p. 713.
4. *Ibid.*, 40th Cong., 2nd Sess., Vol. 3, No. 1, p. 6407.
5. *Ibid.*, 40th Cong., 3rd Sess., Vol. 3, No. 1, p. 1027.
6. To whites and blacks.
7. Ho. Ex. Docs., 39th Cong., 2nd Sess., Vol. 3, No. 1, p. 713.
8. *Ibid.*, 40th, Cong., 2nd Sess., Vol. 2, No. 1, p. 640.
9. *Ibid.*, 40th, Cong. 3rd Sess., Vol. 3, No. 1, p. 1027.

The average number of rations issued per day was:

From Sept. 1, 1865, to Sept. 1, 1866.....	29819.1
From Sept. 1, 1866, to Sept. 1, 1867.....	11658.1 <sup>1</sup>
From Sept. 1, 1867, to Sept. 1, 1868.....	16004.1 <sup>2</sup>
From Sept. 1, 1868, to Sept. 1, 1869.....	1983.1

The total amount expended by the bureau for clothing and commissary supplies was, from January, 1865, to September, 1871, \$3,168,325.83.<sup>3</sup> When to this is added the cost of subsistence and quartermaster's stores issued to the refugees and freedmen prior to July 1, 1866, by the commissary and quartermaster's departments and not charged to, nor paid by the bureau, the actual expense of the food and clothing dispensed by the bureau must have reached \$4,500,000.<sup>4</sup>

### III. Transportation

The bureau furnished free transportation to four classes of persons: white refugees, freedmen, teachers, and officers and agents of the bureau.

(1) At the close of the war, white refugees, scattered in various parts of the country, promptly sought to return home. We have seen how penniless and helpless they were. So on May 30, 1865, General Howard ordered that on their return they should be "protected and the calamities of their situation relieved as far as possible. If destitute they will be aided with transportation and food when deemed expedi-

1. Ho. Ex. Docs., 41st Cong., 2nd Sess., Vol. 6, No. 142, p. 20.
2. *Ibid.*, 40th Cong., 3rd Sess., Vol. 3, No. 1, p. 1027.
3. *Ibid.*, 41st Cong., 2nd Sess., Vol. 6, No. 142, p. 27; *Ibid.*, 40th Cong., 2nd Sess., Vol. 2, No. 1, p. 633; *Ibid.*, 39th Cong., 2nd Sess., Vol. 3, No. 1, p. 713; *Ibid.*, 41st Cong., 3rd Sess., Vol. 1, No. 1, p. 324; *Ibid.*, 42nd Cong., 2nd Sess., Vol. 1, No. 1, p. 453.
4. Ho. Ex. Docs., 41st Cong., 2nd Sess., Vol. 6, No. 142, p. 18.—Howard states that the subsistence, medical supplies, and quartermaster's stores issued by the several departments amounted to \$2,330,708 72 in original cost, though many articles were so damaged as to be worth much less at the time of distribution.



ent while *in transitu* to their former homes."<sup>1</sup> In accordance with this order, transportation was promptly and liberally given. Before September 1, 1866, over two thousand had received aid of this kind.<sup>2</sup> "In consequence of abuses, however, it was found necessary subsequently to restrict the order to cases where humanity evidently demanded the transportation."<sup>3</sup> With this restriction, the work continued as necessary until 1869. But after 1866 the necessity had nearly ceased.<sup>4</sup>

(2) During the war thousands of black refugees and discharged negro soldiers congregated in Washington<sup>5</sup> and other cities where the supply of labor far exceeded the demand. Consequently they were dependent upon the government and private benevolence for support. In other localities labor was needed for the cultivation of plantations. To enable the negroes to reach these desirable fields and to relieve the government of the expense of their support, the commissioner ordered that, upon the requisition of proper officials, free transportation be furnished them to points where they might become self-supporting.<sup>6</sup> By 1870 more than 30,000 had been transported.<sup>7</sup> A few of these had been taken to the newly opened public lands, but the most of them went back to the old plantations.

(3) Until 1869, free passage on government transports and military railroads was granted to teachers and others volun-

1. Ho. Ex. Docs., 39th Cong., 1st Sess., Vol. 7, No. 11, p. 14.

2. *Ibid.*, 41st Cong., 2nd Sess., No. 142, p. 21.

3. *Ibid.*, 39th Cong., 2nd Sess., No. 1, p. 787.

4. *Ibid.*, 39th Cong., 2nd Sess., Vol. 3, No. 1, p. 711;

5. Twenty thousand found their way to Washington alone.—Annual Cyclopaedia, 1870, p. 318.

6. Ho. Ex. Docs., 39th Cong., 2nd Sess., Vol. 3, No. 1, p. 709.

7. *Ibid.*, 41st Cong., 2nd Sess., Vol. 6, No. 142, p. 21; *Ibid.*, 41st Cong., 2nd Sess., No. 1, p. 225.

tarily laboring among the freedmen and refugees; but by the end of the first year the number of such transports and railroads had been reduced to a minimum and the number of teachers carried had noticeably decreased. The total for the four years was about four thousand.<sup>1</sup>

(4) Finally, all officers traveling on public duty, under orders of the commissioner or assistant commissioners, were entitled to mileage and to the actual cost of transportation. While the bureau was in operation, about two thousand passes were given to such officials.<sup>2</sup> Although this item of expense has no rightful place in a chapter on eleemosynary work, it is inserted here in order to complete the sketch of the transportation division of the bureau.

Besides these passengers, stores and school books for freedmen and refugees were shipped on government transports and military railroads at public expense. They were consigned to the quartermaster of the post to which they were destined. He, after inspection, handed them over to the assistant commissioner or bureau agent, who was to distribute them. This plan was followed until 1870, but it was only during the first year that shipments of stores were an important factor. The consignments included lumber, desks, chairs, books, hardware, corn, pork, bacon, and a great variety of commodities,<sup>3</sup> whose transportation cost the bureau nearly eight millions of dollars.<sup>4</sup>

The following table gives the number of passengers and

1. Ho. Ex. Docs., 41st Cong., 2nd Sess., No. 1; p. 325; *Ibid.*, 41st Cong., 2nd Sess., Vol. 6, No. 142, p. 21.

2. *Ibid.*, p. 21.

3. *Ibid.*, 39th Cong., 2nd Sess., Vol. 3, No. 1; *Ibid.*, 40th Cong., 2nd Sess., Vol. 2, No. 1.

4. *Ibid.*, 41st Cong., 2nd Sess., Vol. 6, No. 142.





the number of packages of freight transported between May 5, 1865, and March 20, 1869:<sup>1</sup>

	Refugees	Freedmen	Officers and Agents	Teachers	Freight Packages
May 5, 1865 to Sept. 30, 1866 ...	2204	8509	111		
Sept. 30, 1866 to Sept. 30, 1867 ...	778	16931	660	1604	12765
Oct. 1, 1867 to Sept. 30, 1868 ...	541	3962	785	1193	4815
Oct. 1, 1868 to March 20, 1869 ...	369	58	240	881	1272
Total .....	3892	29460	1796	3678	18852

Grand total of passengers..... 3884

For more than a year transportation was furnished upon orders from the office of the quartermaster's department of the army; but, after the appropriation for transportation went into effect, orders came from the chief quartermaster of the district or from the assistant commissioner. The system adopted was that employed by the quartermaster's department of the army, from which were purchased blank-books of transportation orders duly numbered and registered.<sup>2</sup>

At first the expense of bureau transportation was borne chiefly by the quartermaster's department of the army; after the appropriation of 1866, it was defrayed from the appropriation fund.<sup>3</sup> The annual drafts upon this fund are shown by the subjoined table. The maximum, \$298,067.67, was reached in 1868. Up to 1871, the total expended was \$769,387.72. To this should be added \$26,016.47, paid for transportation out of the refugees and freedmen's fund.<sup>4</sup> Of this entire sum the expenditure for transportation of refugees and freedmen did not exceed \$239,902.83 (i. e. \$213,886.36

1. Ho. Ex. Docs., 41st Cong., 2nd Sess., Vol. 6, No. 142, p. 21.

2. Ho. Misc. Docs., 42nd Cong., 2nd Sess., No. 87, p. 7.

3. Ho. Ex. Docs., 40th Cong., 2nd Sess., Vol. 2, No. 1, p. 224; *Ibid.*, 39th Cong., 2nd Sess., Vol. 3, No. 1, p. 713.

4. *Ibid.*, 41st Cong., 2nd Sess., Vol. 6, No. 142, p. 29.

plus \$26,016.47); while that for teachers, officers, and agents was \$385,307.18. These figures are especially significant since the number of teachers, agents, and officers transported was not one-fourth that of freedmen transported.

The figures given below indicate the amount drawn each year from the appropriation fund for the transportation of passengers and stores:

	Refugees and Freedmen	Teachers Officers and Agents	Stores	Total
1866 1 .....	\$ 782.25	4889 17	3991.47	9662 89
1867 2 .....	79217.59	84218 09	64384.35	227820 63
1868 3 .....	105587 39	131511 85	67068.52	299167 76
1869 4 .....	24969.65	107407 82	37214.45	169185 92
1870 5 .....	3329.48	46591.14	3644.49	53465.11
1871 6 .....		11085.51		11085.51
Total .....	213886.36	385307.18	170197.18	769387.72

In this immense issue of supplies and transportation, evils were to be expected. In the relief work of the bureau they were undoubtedly prevalent. Too lavish distribution of supplies, individual errors in judgment and discrimination, illicit sale of food and clothing, and distribution of them with a view to controlling the negro vote,—all these were charged, not without justification in fact.<sup>7</sup> Such practices

1. Ho. Ex. Docs., 39th Cong., 2nd Sess., Vol. 3, No. 1, p. 715.

2. *Ibid.*, 40th Cong., 2nd Sess., Vol. 2, No. 1, p. 623.

3. *Ibid.*, 40th Cong., 3rd Sess., Vol. 3, No. 1, p. 1020;

4. *Ibid.*, 41st Cong., 2nd Sess., Vol. 6, No. 142, p. 29.

5. *Ibid.*, 41st Cong., 3rd Sess., Vol. 1, No. 1, p. 325.

6. *Ibid.*, 42nd Cong., 2nd Sess., Vol. 1, No. 1, p. 453.

7. N. Y. Times, May 24, Aug. 10, 1865; N. Y. World, July, August, September, 1865; Ho. Ex. Docs., 39th Cong., 1st Sess., No. 123.—Many charges were vague and general and were difficult to substantiate, even when the veracity of those making them was unquestioned. But such statements as the following from the report of Generals Steedman and Fullerton, supported as it is by the testimony of Mr. P. Merlin and of citizen Rosebrans which was introduced in *defense* of Bureau officials, cannot be ignored: "In one of our interviews with the freedmen at Newbern, some of them who were employed in the commissary department of the bureau stated that rations in bulk had been taken from the supply



enhanced the expense of the bureau and sullied its reputation, both north and south. They were mainly attributable, however, to local officials, and were in violation of the policy and orders of central authorities. Notwithstanding abuses and extravagances, the bureau did a great, an indispensable work of mercy and relief, at a time when no other organization or body was in a position to do that work.

warehouse at unusual hours, before the doors were opened for the transaction of business, and hauled off in carts and wagons, and that on one occasion they had followed a cart containing four barrels of pork, to see if it went to the freedman's ration-house. They ascertained that it did not. We investigated the case. Capt. Rosekrans stated that he knew nothing about it. His brother, a citizen, whom he has employed to act as commissary sergeant, stated that the four barrels alluded to were ordered by himself to be taken from the store-house to the building from which rations are issued to the freedmen, but that the driver of the cart had made a mistake and took the pork to the wrong place, a provision store kept by Mr. P. Merlin, and immediately upon discovering the mistake he had it rectified and the pork returned to the store-house. Afterwards we called upon Mr. Merlin, who stated that at about the time Mr. Rosekrans said that the pork had been sent by mistake to his store, he borrowed four barrels of pork from Capt. Rosekrans, which he had not yet returned. He also stated that Capt. Rosekrans on that day, and after his examination before us, called at his store and requested him to return the four barrels of pork immediately."—Ho. Ex. Docs., 39th Cong., 1st Sess. No. 120, p. 68.

The assistant commissioner for North Carolina himself reported that there was less local opposition to the bureau after the order to discontinue the issue of rations had gone forth.—Sen. Docs. 39th Cong., 2nd Sess., No. 6, p. 102.

Capt. W. H. Hardy, of Mississippi, tells of bureau agents who issued a small amount of bacon and flour, for example, to a needy negro, had the illiterate freedman set his mark to a signed voucher for a larger amount, sold the difference between the amount issued and the amount specified in the voucher, and pocketed the profit.—Publ. Misc. Hist. Soc. IV, 110.

## CHAPTER VII

### FINANCIAL AFFAIRS

Lieutenant Colonel Balloch,<sup>1</sup> chief disbursing officer of the bureau, had his headquarters in Washington. In each state the assistant commissioner was held accountable for all money received and disbursed. Agents were appointed to have immediate direction of financial affairs, but all money must be promptly transferred to the assistant commissioner, who kept it in some authorized depository of public funds. No money was to be disbursed to bureau agents except in response to regular monthly estimates furnished by such agents and approved by the commissioner.<sup>2</sup>

(1) When the bureau was created, it was thought that the abandoned lands and confederate property would provide sufficient revenue for its support. So no congressional appropriation was then made. Consequently Colonel Balloch found himself in charge of finances drawn from miscellaneous sources. Before the organization of the bureau the interests of freedmen in several states had been in the hands of military officers. To carry on their work more effectively, a department of negro affairs had been established in the war department. The accounts of this new department were assumed by the bureau and its surplus formed a nucleus

1. General Balloch was dismissed in October 1871.—Gen. Howard then temporarily assumed the duties of disbursing officer, but later appointed Major J. M. Brown, who served till the close of the bureau.—Ho. Ex. Docs., 42nd Cong., 2nd Sess., No. 51, Part I; *Ibid.*, 43rd Cong., 1st Sess., No. 10, p. 2.

2. *Ibid.*, 39th Cong., 1st Sess., No. 11, p. 17.



for the bureau fund.<sup>1</sup> To this were added the receipts from the sale of crops upon abandoned lands, from the rental of real estate, from the sale of confederate property, from transportation and supplies, from the tax for school purposes, and from various other sources. The total was called the *refugees and freedmen's fund*. This fund was sustained chiefly from the sale and rental of property; but in Alabama where there was little such property in the hands of the bureau, court fines and fees for registration of contracts were important. In Louisiana, the school tax; in Kentucky, fees for marriage certificates and for apprenticing children; in the District of Columbia, fees from intelligence offices, also helped to swell the refugees and freedmen's fund.

(2) During the war some states sent money to officers serving in the south to buy colored substitutes to fill up their quotas under the draft.<sup>2</sup> In 1864, General Butler then in command in Virginia and North Carolina, issued an order directing that a portion of each colored man's state bounty be retained for the benefit of women and children.<sup>3</sup> In 1865 much of this sum remained in the hands of Butler's disbursing officers. By order of the president it was transferred to the bureau, where it was known as the *retained bounty fund*. It might be invested and the interest appropriated for the support of the bureau, but the principal must remain intact to answer any bounty claims that might be authenticated.<sup>4</sup> Meanwhile agents were appointed by the bureau to discover rightful claimants and to expedite payments.

(3) The receipts of these two funds were amply sufficient

1. After Jan. 1, 1865.—Ho. Ex. Docs., 41st Cong., 2nd Sess., Vol. 6, No. 142, p. 18.

2. Curry, *Negro since 1860*, p. 13.

3. General Orders, No. 110, Dept. of Va. and N. C., Series of 1864.

4. Ho. Ex. Docs., 40th Cong., 2nd Sess., Vol. 2, No. 1, p. 655; *Statistics at Large*, XIV, 845, March 2, 1867.

to meet the expenses of the bureau during the first year. But the policy of rapid restoration of property to former owners threatened to necessitate a curtailment of the bureau's operations, while the plan of 1866 proposed wide extension of those operations. So in the army appropriation bill was included an appropriation of \$694,450 for the support of the bureau for the year commencing July 1, 1866.<sup>1</sup> This was called the *appropriation fund*. It was augmented each year by new congressional grants and became by far the largest element in the resources of the bureau. From it were paid the salaries of assistant commissioners, agents, and clerks, and other costs of administration; from it was drawn the special southern relief of 1867; from it was defrayed most of the expense of transportation, hospital and medical aid, commissary stores, and bureau education.

(4) Bureau agents and officers received constant complaint from discharged colored soldiers who had been defrauded of the amount due them from the government. Unprincipled claim agents often required the negro to pay exorbitant fees in advance and then delivered to him little or nothing in return. These frauds were difficult to trace and the negroes, thus led to wait in idleness for action upon claims, soon became public charges. To protect the interests of colored soldiers and to aid them in obtaining their just dues, the claim division of the bureau was organized in March 1866. Officers and agents throughout the various states were directed to receive all claims presented by colored soldiers and sailors and their families, for arrears of pay, bounty, pensions, and prize money, and to forward them to Washington for file and settlement. They were to examine all treasury certificates and checks received in payment of claims. These services were to be rendered free of charge.<sup>2</sup> The

1. Ho. Ex. Docs., 39th Cong., 2nd Sess., Vol. 3, No. 1, p. 715.

2. *Ibid.*, 39th Cong., 2nd Sess., Vol. 3, No. 1, pp. 15, 708; *Ibid.*, 40th Cong., 3rd Sess., No. 1, p. 1017; *Ibid.*, 41st Cong., 2nd Sess., No. 142, pp. 12, 13.

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business of this division rapidly increased.<sup>1</sup> Early in 1867, nearly all questions relating to claims of colored soldiers were in the hands of the bureau. In March, 1870, the adjutant general ordered that all such claims be referred to it.<sup>2</sup> By a joint resolution of congress March 29, 1867, it was enacted that all checks and treasury certificates "issued in settlement of claims for pay, bounty, prize money, or other moneys due to colored soldiers, sailors, or marines, or their legal representatives now residing or who may have resided in any state in which slavery existed in the year eighteen hundred and sixty (1860), the claim for which has been or may be prosecuted by an agent or attorney, shall be made payable to the commissioner of the freedmen's bureau who shall pay the agent or attorney his legal fees and pay the balance to the claimant on satisfactory identification."<sup>3</sup>

These checks and certificates constituted another fund controlled by the disbursing officer. It was denominated the *pay, bounty, and prize money fund* and was deposited in the treasury to await presentation of established claims.<sup>4</sup>

(5) The act of July 16, 1866, provided that "the commissioner shall have power to seize, hold, lease, or sell all the buildings and tenements, and any lands appertaining to the same, or otherwise formerly held under color of title by the late so-called confederate states, and not heretofore disposed of by the United States, and any buildings or lands held in trust for the same by any person or persons, and to use the same, or appropriate the proceeds derived therefrom, to the education of the freed people."<sup>5</sup> Accordingly, the *school fund* of the bureau was started. It was a local fund used for local school purposes.<sup>6</sup>

1. Ho. Ex. Docs., 40th Cong., 2nd Sess., No. 1, p. 622.

2. Annual Cyclopaedia, 1870, p. 315.

3. Statutes at Large, XV, 26.

4. Ho. Ex. Docs., 41st Cong., 2nd Sess., Vol. 6, No. 142.

5. Statutes at Large, XV, 176.

6. Ho. Ex. Docs., 40th Cong., 2nd Sess., Vol. 2, No. 1, p. 635.

Aside from these funds of a more or less permanent character, three appropriations were placed in the hands of the bureau for the temporary relief of destitution in the District of Columbia.<sup>1</sup>

The official reports show that the amount expended by the bureau was \$13,359,065.58,<sup>2</sup> but this large sum by no means represents the total cost of the operations of the bureau. First of all, to this should be added subsistence, medical supplies, and quartermaster's stores which were transferred to it from the various departments of the army, which were issued by it prior to July 1, 1866, and whose original cost was \$2,330,788.72.<sup>3</sup> It should also be remembered that a large number of the more important positions in the service of the bureau were held by commissioned army officers who received simply their regular army pay and drew no salary from bureau funds. In April, 1866, there were on duty in the bureau 368 of these officers whose pay aggregated more than \$45,000 per month, or \$540,000 per year.<sup>4</sup> In November of the same year, the number had increased to 406.<sup>5</sup> That was perhaps the maximum; for, from that time civilians began to replace military men, and army officers employed by the bureau were frequently mustered out and immediately re-engaged in the service of the bureau, receiving a salary from bureau funds. In many cases also, the same officer came to perform two sets of duties, those of military commander and of assistant commissioner. But it is safe to say that the bureau caused an increase in the regular army payroll of more than \$1,000,000 and that the aggregate expenditure of the bureau, exclusive

1. Statutes at Large, XIV, 353; XV, 20; XV, 41.

2. Ho. Ex. Docs., 41st Cong., 3rd Sess., No. 1, p. 324; *Ibid.*, 42nd Cong., 2nd Sess., No. 1, p. 453; *Ibid.*, 42nd Cong., 3rd Sess., No. 109, p. 22; *Ibid.*, 41st Cong., 2nd Sess., Vol. 6, No. 142, p. 30.

3. *Ibid.*, 41st Cong., 2nd Sess., No. 142, p. 1.—Howard states that their real value when transferred was not over \$1,000,000.

4. *Ibid.*, 39th Cong., 2nd Sess., Vol. 5, No. 7, p. 6.

5. *Ibid.*, No. 1, p. 753.





of the retained bounty fund and the pay, bounty, and prize money fund was \$17,000,000 or \$18,000,000.

We are told that rumors reflecting upon the administration of the bureau had been afloat ever since its organization.<sup>1</sup> The report of General Grant in 1865 tended to confirm suspicions as to the efficacy of the institution as a protector of the negro. Steedman and Fullerton had brought to light several cases of speculation and malfeasance. The heavy appropriations for bureau purposes had attracted attention. The construction of Howard University and certain real estate transactions in and near Washington had been severely criticised.<sup>2</sup> The question of investigating the operations of the bureau had been raised in congress; but no such investigation was made until 1870, when Fernando Wood of New York offered a resolution in the house, charging the commissioner with "malversation and dereliction of duty" and calling for an investigation. "On information and belief," he preferred fifteen distinct charges:

*First.* That he has taken from the appropriation made for, and the receipts of, that bureau more than five hundred thousand dollars, improperly and without authority of law, for the Howard University hospital and lands.

*Second.* That portions of the land alleged to have been sold for the benefit of the Howard University fund were disposed of improperly to members of his own family and officers of his staff.

*Third.* That bonds issued in aid of the First Congregational church of the city of Washington were taken in payment for a portion of this land, which have not yet been redeemed or paid, nor have they been returned in his official accounts as such.

*Fourth.* That the University building and hospital were built of patent brick furnished by the American Building-Block Company, in which General Howard, Charles Howard, General E. Whittesey, and C. W. Alford, all attached to the bureau, were interested as stockholders.

*Fifth.* That the specifications for the construction of those buildings provided that the material used in their erection should be taken from the brick made by this company; thus preventing competition, and securing the use of that brick, and no other, for that purpose.

1. Cox, *Three Decades*, 446.

2. *N. Y. Times*, Feb. 7, 1869.

*Sixth.* That the brick so used was unfit and nearly worthless; parts of the building have fallen down in consequence, and other parts have since been repaired and rebuilt at an expense of \$13,000.

*Seventh.* That by his consent and with his knowledge lumber belonging to the government was used by this company and appropriated to its own benefit, being resold to its employes.

*Eighth.* That he pays rent to the Howard University from the funds of the bureau for the privilege of a headquarters.

*Ninth.* That he draws three salaries, namely, one as a brigadier general in the United States army, another as commissioner of the freedmen's bureau, and a third as head of the Howard University.

*Tenth.* That he has paid from the funds of the bureau over forty thousand dollars for the construction of the First Presbyterian (Congregational) church in this city, taking the church bonds in return, which he has either returned in his accounts as cash on hand, or sent south for the purposes of the bureau.

*Eleventh.* He has advanced a large sum from the funds of the bureau to the Young Men's Christian Association of this city, taking their bonds in payment, which have been sent to Tennessee to help the freedmen's schools in that state.

*Twelfth.* That he caused, or knowingly allowed, lands in this city, owned by an officer of the bureau, to be transferred to a freedmen's school in North Carolina; the officer taking the money appropriated for that school and the school the lands in this city; thus perpetrating a fraud both upon the government and the freedmen.

*Thirteenth.* That he was interested in the purchase of a farm of about three hundred acres near the lunatic asylum in this county, for which the public funds and other property of the government were used. Buildings were erected thereon, built of lumber belonging to the government and then let or sold to freedmen for exorbitant prices, and that he and his brother, Charles Howard, were personally interested in the transaction as a private speculation.

*Fourteenth.* He has discharged the duties of the office of commissioner of the bureau with extravagance, negligence, and in the interests of himself and family and intimate friends.

*Fifteenth.* That he is one of a ring known as the "freedmen's bureau ring," whose connections and influences with the freedmen's savings banks, the freedmen's schools of the south, the political machinery of a party in the southern states, and whose position has been to devote the official authority and power of the bureau to personal and political profit.<sup>1</sup>

The matter was referred to the committee on education and labor, consisting of eight republicans and two demo-

1. Ho. Reports, 41st Cong., 2nd Sess., No. 121, p. 2.

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crats. They were empowered to investigate all the charges and to send for persons and papers required.<sup>1</sup> During the investigation Mr. Wood and General Howard were present with counsel and witnesses. The examination lasted over sixty days and witnesses were summoned from various states north and south and from the District of Columbia.<sup>2</sup> The eight republicans brought in a brief report exonerating General Howard and commending him for the excellent performance of difficult duties. The two democrats presented a minority report in which they discussed at some length the facts brought out in the investigation, complained that, by objecting to proper questions, arbitrarily fixing the time for closing the evidence and by refusing to subpoena important witnesses and to admit important testimony, the majority had prevented a fair and full investigation. Still they declared the evidence sufficient to substantiate many of the charges.<sup>3</sup>

Each of these reports has an *ex parte* tone. Each contains an element of truth, but in neither is the whole truth presented or acknowledged. Turning to the charges relating to financial matters, it must be conceded that many of them were recklessly and extravagantly made and that some were without the slightest foundation. (1) For instance, Mr. Wood could easily have discovered that General Howard was not receiving three salaries, that he had been content with his regular army pay and had drawn no other salary either as bureau commissioner or as president of Howard University.<sup>4</sup> (2) It was ridiculous to censure him because he paid rent to Howard University, since he was thereby not only helping to support a school which was primarily for freedmen's children; but he was securing better

1. Ho. Reports, 41st Cong., 2nd Sess., No. 121, p. 1.

2. *Ibid.*, p. 7.

3. *Ibid.*, p. 27.

4. *Ibid.*, pp. 39, 516, 518.

quarters at a lower rate.<sup>1</sup> (3) Whatever may have been the facts in the case and whatever the suspicion aroused by complicated dealings in the bonds of the Congregational church and the Y. M. C. A. of Washington, nothing in the evidence proved that General Howard had actually or directly invested bureau or other government funds in such bonds. It is clear that Howard University, Fisk University, Richmond Normal School, and the trustees of the Barry farm fund had, with money which they had received from the government through General Howard, voluntarily purchased bonds from him; but in making these sales, he was acting not as a public official but as a private individual.<sup>2</sup> (4) Whatever the facts in the case and whatever our opinion as to the expediency or the financiering of the Barry farm experiment (referred to in charge 13), the investigation failed to show that Howard was interested in these public investments as a private speculation, that fraud or injustice was intended, or that buildings erected on the farm were let or sold *at exorbitant prices*.<sup>3</sup>

(5) The fifth charge, which touched a somewhat vulnerable point, was so worded as to admit of the truthful, point-blank denial with which General Howard answered it.<sup>4</sup> . . . . In short, few of the charges framed by Wood could be fully substantiated. They showed all too little of that accuracy of statement and that intimate acquaintance with the facts and details of the situation which is to be expected in such serious accusations.

But putting aside the matter of charges and their substantiation, it is of interest to note some tendencies, facts, and dangers revealed by this investigation.

There was indicated a tendency to construe very lib-

1. Ho. Reports, 41st Cong., 2nd Sess., No. 121, pp. 214, 286, 518.

2. *Ibid.*, pp. 184, 242, 274, 261, 262, 302, 327, 481.

3. *Ibid.*, pp. 103, 126, 141, 484.

4. *Ibid.*, pp. 72, 211, 518.

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erally laws respecting moneys placed in the hands of the commissioner. (1) By act of March 2, 1867, the commissioner was authorized to apply the refugees and freedmen's fund to "aid educational institutions *actually incorporated for loyal refugees and freedmen.*" General Howard drew upon this fund in support of Howard University, though the act of incorporation for that institution which was approved only on March 2, 1867, made no mention of either refugees or freedmen.<sup>1</sup> (2) An act of March 2, 1867, made the commissioner custodian of the retained bounty fund and specified that he might invest some or all that fund in *hands of the United States.* Several witnesses testified that General Howard had at first proposed to aid the Congregational church from this fund;<sup>2</sup> and it was clearly shown that a portion of the fund was actually used in the purchase of ground for Howard University.<sup>3</sup> (3) We have seen the statutory provision concerning the refugees and freedmen's fund. On April 23, 1867, \$52,000 of that fund were transferred to a board of trustees, who were authorized to buy a farm therewith, divide it into lots, build houses upon them, and rent or sell the same to refugees and freedmen upon the installment plan. The proceeds were to be divided equally among three educational institutions; thus, in this circuitous way, the fund was directed toward its legal destination.<sup>4</sup>

In this connection it should be noted, however, (1) that in most cases congress placed no limitation upon the commissioner's discretion in the expenditure of bureau funds; (2) that in the case of congressional appropriations the second comptroller of the treasury had the final revision of accounts and vouchers, and the decisive voice as to what ones were allowable under the statutes;<sup>5</sup> and (3) that the

1. Ho. Reports, 41st Cong., 2nd Sess., No. 121, pp. 272, 269; Statutes at Large, XIV, 486.

2. Ho. Reports, 41st Cong., 2nd Sess., No. 121, pp. 148, 149, 150, 151, 155.

3. *Ibid.*, p. 283.

4. *Ibid.*, pp. 344, 345, 299, 303.

5. *Ibid.*, p. 465.

investments made by the commissioner were in generally useful and praiseworthy enterprises, in harmony with the policy and purpose of the bureau, and beneficial to its proteges. ←

There were also brought to light instances of carelessness and irregularity in administration and accounting which were calculated to confirm popular suspicion. (1) The accounts of the Barry farm fund presented numerous irregularities: (a) A deficiency caused by the embezzlement of clerks had been made good by a life insurance policy for a somewhat larger amount.<sup>1</sup> (b) When an unaccountable surplus of \$3,000 was found to the credit of the treasurer, General Howard upon examining his private account concluded that he had put in the \$3,000 from his private purse. Accordingly the trustees ordered the sum refunded to him, he depositing their resolution as voucher for the same. Early in 1870 it was discovered that the surplus arose from another cause; whereupon Howard gave his personal note for the sum in question with interest for the period during which he had had use of the money.<sup>2</sup> A short time afterward the note seems to have been paid, but the receipt substituted for it as a voucher in the records was dated back a year or so.<sup>3</sup> (c) For some two years the treasurer's books were not posted, comparison with the account at the bank showed several discrepancies,<sup>4</sup> the minutes of the board of trustees appeared to be incomplete,<sup>5</sup> and altogether evidences of carelessness and inaccuracy were not lacking.

(2) The contracts for the erection of buildings for the Howard University and hospital were the subject of much adverse comment. Those contracts specified that a certain

1. Ho. Reports, 41st Cong., 2nd Sess., No. 121, pp. 331, 337, 334.

2. *Ibid.*, p. 480.

3. *Ibid.*, pp. 342, 343.

4. *Ibid.*, p. 343.

5. *Ibid.*, pp. 344, 345, 348.



kind of building block, or patent brick, should be used.<sup>1</sup> D. L. Eaton and Company were one of the few manufacturers of this material.<sup>2</sup> Being located in Washington, this firm could furnish it somewhat cheaper than out-of-town companies, and so, by the specifications of the contracts, competition was limited. From this favored company General Howard had but recently withdrawn, and of it his brother and other bureau officials were still members.<sup>3</sup> The hospital fell and loss resulted, which was commonly attributed to the unfitness of material used.<sup>4</sup> Now, despite these facts, there is good reason to think that General Howard had believed the use of this material would prove conducive to the best interests of the public and of those entrusted to his care. It was a new material.<sup>5</sup> While looked upon with distrust by some leading architects, it was highly recommended by others.<sup>6</sup> It was said to be somewhat cheaper than brick with stone trimming, and even cheaper than the best brick alone.<sup>7</sup> In color and general appearance it was acknowledged to be preferable.<sup>8</sup> And besides, the works of Eaton and Company were situated on university property and gave employment to needy students.<sup>9</sup> But however innocently General Howard or other officials may have entered into these contracts, the intimate connection of these men with the Eaton company afforded ground for the suspicion that public trusts were being administered in the interest of private parties.

This suspicion was no doubt strengthened by (3) the con-

1. Ho. Reports, 41st Cong., 2d Sess., No. 121, pp. 72, 110, 518.

2. *Ibid.*, pp. 85, 114.

3. *Ibid.*, pp. 101, 323, 330, 405, 220, 111, 218.

4. *Ibid.*, pp. 87, 118, 100, 78.

5. *Ibid.*, 109, 121, 75, 114, 118, 171, 176, 208, 515.

6. *Ibid.*, pp. 118, 121, 109, 113, 115, 176.

7. *Ibid.*, pp. 102, 113, 117, 163.

8. *Ibid.*, p. 121.

9. *Ibid.*, p. 101.

fusing testimony as to the use of government lumber by this building block company<sup>1</sup> and by (4) the evidence that some of the choicest lots on the university grounds were sold to General Howard and other bureau officers at less than half the price fixed for outside purchasers.<sup>2</sup>

There was pointed out the danger of leaving the control of several public or semi-public institutions centered in the hands of one set of officials. General O. O. Howard was not only commissioner of the freedmen's bureau, but during a longer or shorter portion of his term as commissioner, he was also president and trustee of Howard University, vice president and trustee of the freedmen's savings bank, treasurer and trustee of the Barry fund, the educational fund, and the Howard University and educational fund, and a director of the D. L. Eaton company. Other prominent bureau officials held positions as follows: General Charles H. Howard, brother of the commissioner, was assistant commissioner of the bureau, trustee of the freedmen's savings bank and of Howard University, agent of the Barry farm fund and member of the Eaton company; General G. W. Balloch, chief disbursing officer of the bureau was trustee of the freedmen's savings bank and of the retained bounty fund, and treasurer of Howard University. General E. Whittlesey, assistant commissioner of the bureau, was assistant adjutant general of the bureau, trustee of the freedmen's savings bank, financial agent and professor at Howard University, and member of the Eaton company; J. W. Alvord, inspector of freedmen's bureau schools, was president of the freedmen's savings bank, and a member of the Eaton company. Numerous similar instances might be cited. Suffice it to add that all these organizations were easily correlated; that funds readily passed from one to another; and that it was well nigh

1. Ho. Reports, 41st Cong., 2d Sess., No. 121, pp. 232, 334, 381, 216, 179, 181, 206, 518, 407, 400, 230.

2. *Ibid.*, pp. 85, 133, 189, 192, 194, 195, 196.



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impossible to trace the complicated transactions among them. General Balloch, the treasurer of Howard University, is found giving receipts to General Balloch, the chief disbursing officer of the bureau.<sup>1</sup> When we are told that the building blocks "were brought to the attention of the trustees of Howard University" and were severely tested by them before adoption, it is interesting to note that many of the same men were at once trustees of the university and directors of the building block company.<sup>2</sup> And these cases may be taken as fairly representative of many transactions. Altogether it is apparent that with so many institutions under the common direction of a few individuals, corruption and private speculation might be carried on with impunity.

At the conclusion of this investigation, congress promptly passed a resolution exonerating and eulogizing General Howard.<sup>3</sup> But the proceedings of the committee had attracted the attention of the press and of the country to an unusual degree and the disclosures in their reports became strong levers in the hands of the opposition. In the future the operations of the bureau were to be subjected to close scrutiny and to repeated investigation.

In the fall of 1871 the treasury officials noted some apparent irregularities in the accounts current of the disbursing officer of the bureau. (1) These accounts stated that on July 31, 1871, he had on deposit with the treasurer of the United States the sum of \$520,974.07; whereas, upon investigation, it was found that he really had on deposit only \$241,356.61, a difference of \$279,617.46. (2) In explanation of this discrepancy he showed that with bureau funds he had purchased United States bonds amounting to \$250,000 and

1. Ho. Reports, 41st Cong., 2nd Sess., No. 121, p. 272.

2. *Ibid.*, p. 12.

3. *Ibid.*, p. 27; Cong. Globe, 41st Cong., 3rd Sess., p. 1850, March 2, 1871.

estimated to be worth \$280,000. Whereupon a revised account was turned over to the treasury department.<sup>4</sup>

(3) Moreover, some of these bonds had been deposited in General Balloch's private box at the safe deposit company's and not in a United States depository as required by law.<sup>5</sup>

(4) The interest upon them was used, in part at least, to pay real claimants in cases where, through error or fraud, payments had previously been made to persons not entitled to money from the claims division of the bureau.<sup>6</sup> While the purchase of these bonds had been made with the knowledge and sanction of the commissioner and of treasury officials,<sup>7</sup> it had involved so many irregularities as to elicit a request for the prompt removal of the bureau's chief disbursing officer. At the instance of the secretary of war, General Howard relieved that official from duty, assigning, as the occasion for dismissal however, not misconduct of the office, but Balloch's appointment to other public duties and the need of time for settling his accounts with the United States government.<sup>8</sup>

More sensational disclosures were made after June 30, 1872. The bureau was then discontinued and all records and business relating to its claims and accounts were transferred to the adjutant general of the war department. He gave Assistant Adjutant General T. M. Vincent "immediate supervision and charge of the duties lately devolving on the said bureau," with directions to "look to the arrangement of the records and distribution of the duties, so that there will be the least delay in the future transaction of the business with the view of completing and closing it." The records were speedily taken from Howard University to a

1. Ho. Ex. Docs., 42nd Cong., 2nd Sess., No. 38, p. 4.

2. *Ibid.*, No. 51, Part I, p. 4.

3. *Ibid.*, No. 38, p. 2; *Ibid.*, 43rd Cong., 1st Sess., No. 10, p. 16.

4. *Ibid.*, 42nd Cong., 2nd Sess., No. 38, pp. 2, 3.

5. *Ibid.*, No. 51, Part I, p. 3.



building near the war department, where the freedmen's branch of the adjutant general's office was established.<sup>1</sup>

The first thing to excite the adverse criticism of Vincent was the confusion and incompleteness of the records transferred to him for arrangement.<sup>2</sup> To inquiries and complaints General Howard and other bureau officials replied that the records had been well kept and that any confusion or disorder that might appear was due to the following causes: (1) Failure of sufficient appropriation. The regular appropriation for the last year of the bureau was a hundred thousand dollars less than the commissioner's estimate and request. In March 1872 the bureau had appealed to congress for an additional sum with which to complete the records and leave them in proper condition for future reference. This request was denied; during the last few months of the bureau's existence the clerical force had to be reduced to the minimum; and consequently the purpose of indexing, briefing, and finally arranging at the central office all accounts and reports from the various divisions and districts could not be fully accomplished. (2) Carelessness in transferring the records to the assistant adjutant general's office. The force of laborers, messengers, and clerks sent by Vincent had taken the archives without regard to order, tumbled them into carts, and littered them along the way. (3) Unfamiliarity of the new force with these records. It was but natural that strange hands should find difficulty in ordering and using the books of a bureau so large and so varied in its activities. As to incompleteness, that was attributable in part to losses *in transitu*, and still more largely to the multifarious and transitory character of the bureau's work. As fast as reconstruction in a particular locality or state was regarded as complete, much machinery was dispensed with. One by one the divisions and branches of the bureau were

1. Ho. Ex. Docs., 42nd Cong., 3rd Sess., No. 109, p. 2.

2. *Ibid.*, p. 2, Oct. 8, 1872.

lopped off. Consequently reports were fragmentary in many respects; permanency would have brought regularity and completeness. There was little reason to suspect that records had been concealed or suppressed; because of the high character of the assistant commissioners and because such records would be needed as defence in case of attack upon the officers of the bureau. As for himself, General Howard declared that he had left no stone unturned in order to fix accusation upon his officers and agents.<sup>1</sup>

Howard did offer to cooperate in the attempt to restore missing documents.<sup>2</sup> Some were afterward found in the Washington office of the Baltimore and Ohio railroad where they had remained in boxes for over eighteen months. A great number of miscellaneous papers were also received from various parts of the country, a few anonymously, but most of them from former bureau agents. But Vincent states that much inconvenience and expense were caused by delay in receiving these records and that some twenty thousand dollars were spent in putting the archives in order. He declared repeatedly that the lack of funds with which to complete the records was due not to scanty appropriation, but to misapplication of moneys actually appropriated and he intimated that the defective condition of the archives was intentionally brought about to conceal wrong-doing.<sup>3</sup>

Vincent further reported defalcations on the part of local agents aggregating over \$16,000.<sup>4</sup> While these proved the dishonest character of individual officials and cast re-

1. Ho. Ex. Docs., 43rd Cong., 2nd Sess., No. 214; Ho. Misc. Docs., 42nd Cong., 3rd Sess., No. 87.

2. Ho. Ex. Docs., 42nd Cong., 3rd Sess., No. 109, p. 18.

3. Ho. Ex. Docs., 43d Cong., 2nd Sess., No. 59; *Ibid.*, 43rd Cong., 1st Sess., No. 10, p. 16; Howard Court of Inquiry, p. 579. It is noteworthy, in this connection, that Generals Steedman and Fullerton had found many agents in Mississippi, and some in Georgia and Texas, who kept meagre records, or none at all.—N. Y. Times, Aug. 10, 1866 (Steedman and Fullerton's Report.)

4. Ho. Ex. Docs., 44th Cong., 1st Sess., No. 144, p. 2.



fection upon the personnel of the bureau, they were not necessarily discreditable to the central financial management. The government seems to have sustained little loss, for the officials involved were under bonds for the faithful discharge of their duties and much of this amount was promptly recovered.<sup>1</sup> Nor was it strange that in choosing so many agents to share in the handling of millions of dollars, some mistakes should have been made in the judgment of men. However, circumstances connected with one of these cases as reported by Vincent naturally excited suspicion. Major Benjamin P. Runkle, a disbursing agent in Kentucky, upon being relieved from duty failed to turn over to his successor, Mr. Ray, all the funds of his agency. When Ray called the chief disbursing officer's attention to the fact, the latter made good the deficiency by his own official check upon the United States depository at Louisville. In explanation General Balloch admitted that this sum was twice drawn from the public treasury but added that the government had been reimbursed from private sources. This admission, together with the acknowledgment that he had transferred from his private funds \$1,331.03 "to reimburse (Major Runkle) for mistakes made by his agents in paying bounties to wrong parties," not only indicated that General Balloch had violated the law forbidding an officer to *make advances* of money intrusted to him, but furnished ground for the suspicion that he had used funds, public or private, to conceal defalcation on the part of a subordinate officer.<sup>2</sup>

Moreover Mr. Vincent found evidence of the misapplication of vast sums of bureau money. Funds designed by law for certain specific objects had been applied to other purposes and moneys appropriated for the expenses of one

1. Ho. Ex. Docs., 44th Cong., 1st Sess., No. 144, p. 3.

2. Ibid., 43rd Cong., 1st Sess., No. 10, pp. 2, 8, 16; Ibid., 44th Cong., 1st Sess., No. 144, pp. 3, 8; Howard Court of Inquiry, pp. 248, 249, 522.

fiscal year had been expended in another.<sup>1</sup> In connection with the removal of General Balloch we have already seen that high officials questioned the propriety of investing bounty money in United States bonds and using the interest thereon for purposes not sanctioned by express statute.<sup>2</sup> Later it was discovered that some \$340,000 of the regular appropriation had been expended in 1867 for supplies which were loaned to certain planters and for which notes and bonds were taken as security. Nothing was said of this transaction when the bureau business was transferred to the adjutant general's office. When it came to light in 1873, some \$200,000 were still unpaid and not likely to be recovered and the \$140,000 already paid had been diverted to the refugees and freedmen's fund and thus rendered available for purposes not contemplated by congress.<sup>3</sup> Through the Kest home colony, some \$21,000 seemed to have been improperly transferred to the freedmen's savings and trust company.<sup>4</sup> Upon re-examination of accounts, the third auditor and the second comptroller of the treasury decided that out of the bureau appropriation for the year 1871-2, over \$36,000 had been expended in ways not permissible under the law.<sup>5</sup> In addition to this the secretary of war reported that vouchers had frequently been filed with the accounts of one month, which covered payments actually made in a prior month. These erroneous vouchers amounting to over \$73,000, showed that payments had been made in anticipation of the regular appropriations and they served to obscure the fact that some other fund had been drawn upon temporarily and improperly to meet expenses for which it was not intended.<sup>6</sup>

1. Ho. Ex. Docs., 42nd Cong., 2nd Sess., No. 38, pp. 3, 4.

2. Ibid., 43 Cong., 1st Sess., No. 10, pp. 19, 20.

3. Ibid., 44th Cong., 1st Sess., No. 144, pp. 7, 8.

4. Ibid., p. 7.

5. Ibid., 43rd 2nd Sess., No. 59.

6. Ho. Ex. Docs., 43rd Cong., 1st Sess., No. 10, pp. 2, 3.

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Further notable discrepancies in the accounts of the bureau were also reported. (1) General Balloch's statements of the United States bond account already mentioned were declared irreconcilable with each other.<sup>1</sup> The records showed \$17,685.13 of the retained bounty fund unaccounted for. Important books and vouchers relating to this fund had been withdrawn or had disappeared, and bureau officials maintained that this was a private fund for which they were not accountable at the federal treasury.<sup>2</sup> (3) The accounts in the claims division showed a shortage of about \$3,000. This "statement of differences" was excused on the ground of clerical errors and of erroneous payments to wrong parties and the sum was later paid in full.<sup>3</sup> (4) Major Brown had turned over more than thirty thousand dollars as money due to certain claimants who had signed vouchers and whose names were borne on the records as paid, but who had neglected to call for their money. The vouchers had been filed with the accounts of the disbursing officer who claimed credit for them upon the books of the federal treasury, although he acknowledged that the claims had not been paid. While such practices were objected to as illegal, General Howard defended them on the ground that they were common among disbursing officers and were well known to treasury officials.<sup>4</sup> (5) It was the custom of General Balloch to retain the amount of the legal fee and \$1.50 notarial expense from the proceeds of each treasury certificate issued in settlement of claims, whenever the attorney-at-record was reported as "suspended" or "unlicensed." This sum was to be withheld until the removal of suspension or the granting of

1. Ho. Ex. Docs., 43rd Cong., 1st Sess., No. 10, p. 19.

2. *Ibid.*, pp. 9, 19; *Ibid.*, 44th Cong., 1st Sess., No. 144, p. 6; Howard Court of Inquiry, p. 515.

3. Ho. Ex. Docs., 42nd Cong., 3rd Sess., No. 109, p. 13; *Ibid.*, 43rd Cong., 1st Sess., No. 10, p. 11.

4. Ho. Ex. Docs., 42nd Cong., 3rd Sess., No. 109, pp. 3, 10; Howard Court of Inquiry, pp. 515, 528.

license should render proper its payments to the attorney. In such cases the claimant in whose favor the certificate was issued was required to sign vouchers for the full amount of the same. These vouchers General Balloch rendered to the auditors of the treasury where he was given credit for the same in his accounts. But of the sum retained he had given no account, and no retained fees had been turned over to the adjutant general's office, until at Vincent's suggestion the secretary of war called for them. Then \$2,867 were transferred as the total amount still due attorneys, together with a list of attorneys and of the fee due to each. For details of payment already made, he referred to a record book said to have been left at the disbursing office, but which did not come into Vincent's possession.<sup>1</sup> (6) Furthermore, a comparison of General Balloch's monthly reports with the records of the treasury department was said to reveal serious discrepancies. Apparently at no time between June, 1867, and September, 1871, had the disbursing official made a correct statement of the amount of bureau funds on deposit in the treasury of the United States. The discrepancy varied from month to month; sometimes it was \$9,000 sometimes \$800,000; but each month money was reported to be in the treasury when it was not there. Vincent's inference was that for four years large sums of public money had been used for private purposes.<sup>2</sup>

On the whole the most damaging of Vincent's criticisms related to the administration of the claims division. Reference has already been made to double payments, to retained attorneys' fees, and to the deficit in the funds of that division. The most serious charge, however, was not that the government had been defrauded, but that rightful claimants, dependants for whose protection the bureau was instituted,

1. Ho. Ex. Docs., 42nd Cong., 3rd Sess., No. 109, pp. 13, 14.

2. *Ibid.*, 42nd Cong., 2nd Sess., No. 51, Part I. p. 1; *Ibid.*, 44th Cong., 1st Sess., No. 144, p. 5.





had been victimized. Vincent reported that for years after the conclusion of the bureau's operations, numerous complaints were received that certain colored soldiers or their heirs had not received pay and bounty money, although the records of the treasury department showed settlement of these claims and although vouchers had been filed by the bureau as evidence of payment. He further reported that upon investigation, it became evident that fraud had been committed. In some instances the receipts and vouchers were false and fictitious; in others they had been procured through fraudulent representations. Moreover, General Balloch was charged with filing vouchers for the payment of claims, although the funds sent to local agents with which to make such payments had been returned to him because the agents were unable to find the rightful claimants. Up to June 6, 1876, the amount involved in these cases had reached nearly six thousand five hundred dollars. Many cases were still under examination.<sup>1</sup> As soon as complaints were received investigation had been begun and measures of redress considered. But the difficulties of investigation and the slow movements of governmental machinery caused long delay and resulted in suffering and disappointment to the innocent. It was finally decided that for re-settlement of these claims, the action of congress was necessary. But a resolution looking to that end was referred, reported, re-committed, and then apparently dropped.<sup>2</sup>

In the examination of General Balloch's accounts at the United States treasury, nine clerks were employed for more than a year.<sup>3</sup> The investigations of Vincent covered a much longer period. From time to time the results of his latest findings were reported to congress through the secretary of

1. Ho. Ex. Docs., 43rd Cong., 1st Sess., No. 10, pp. 3, 15, 16; *Ibid.*, 44th Cong., 1st Sess., No. 144, p. 2; *Ibid.*, No. 179, pp. 2, 5, 7.

2. *Ibid.*, 44th Cong., 1st Sess., No. 179, pp. 7, 8; Cong. Globe, 44th Cong., 1st Sess., p. 3930.

3. Ho. Ex. Docs., 42nd Cong., 3rd Sess., No. 109, p. 17.

war. His statement of the amount involved in reported irregularities varied from year to year, because of the new light occasionally cast upon the situation. In October, 1875, he announced that the total amount unaccounted for by bureau officials was \$131,431.39.<sup>1</sup>

The position of chief disbursing officer was unknown to bureau legislation. So all congressional investigations were directed against the commissioner. We have seen that a large majority of the committee had exonerated General Howard in 1870. An equally strong verdict of approval was rendered by a court of inquiry convened under act of congress, February 13, 1874, presided over by General Sherman, and continuing in session some forty days.<sup>2</sup> When the question arose once more in congress, in 1876, Mr. Hoar appealed to the senate not to act, without further printed evidence, in this matter which involved the personal honor of the distinguished major general.<sup>3</sup> Accordingly no action was then taken, nor was the matter reconsidered later. The verdicts of 1870 and 1874 were to stand as final.

\*\*\* In the light of investigations by executive departments and by congress, what shall we say as to the success of the bureau's financial administration? Early in 1873 when its accounts were being exploited and when damaging statements were being made, General Howard wrote: "It seemed to me at this time that there must be some concerted plan to treat my office with contempt and bring it into disgrace." Whether or not these later investigations were conducted in a spirit of hostility, it is only fair and reasonable to make some allowance for erroneous calculations and inferences, which were incorporated in the reports submitted to congress by the war department. Then, too, the peculiar difficulties of the bureau's financial problems must

1. Ho. Ex. Docs., 44th Cong., 1st Sess., No. 144, p. 6.

2. Howard Court of Inquiry.

3. Cong. Globe, 44th Cong., 1st Sess., p. 3930, June 20, 1876.



not be lost sight of. The amount involved was large. It was impossible to avoid errors in identifying the hordes of nameless, irresponsible claimants to public money entrusted to the bureau. The thousands of agents scattered over a vast area were beyond the close personal supervision of higher officials, and much of the irregularity and fraud was clearly traceable to unscrupulous local agents. There is no reason to believe that the commissioner was guilty of embezzlement, fraud, or personal dishonesty; but he certainly was not a strict constructionist. Doubtless his liberal interpretation of statutes was designed to benefit the freedmen and refugees to whose protection and welfare his efforts were directed. Often such interpretation was due to the delay of congress in making appropriations demanded by the exigencies of the hour. Usually the end seemed to justify the means; but occasionally loss ensued, and frequently oblique and complicated systems of accounts which aroused suspicion, were thereby necessitated. More than this, even when due allowance has been made for all extenuating circumstances, it can not be said that the conduct of the financial division reflected credit either upon the officials in charge or upon the bureau of which it formed a part.

## CHAPTER VIII

## LAND, LABOR AND JUSTICE

[Soon after the organization of the bureau, treasury agents and military commanders transferred to its land division all abandoned and confiscated property not needed for strictly military purposes.] Abandoned lands were defined as those whose owners were voluntarily absent, aiding the rebellion. Confiscated property was that which had been condemned and sold by decree of federal courts and to which title was thus vested in the United States. To both kinds of property the bureau acquired all the rights of ownership except the right of sale. The aggregate amount was about eight hundred thousand acres, consisting mainly of farms, but including also fifteen hundred pieces of town property. This was unequally distributed over the southern states, there being much in Virginia, Georgia, South Carolina, Louisiana, North Carolina, Kentucky, and Tennessee; very little in Alabama and Florida; and none in Texas.

It was the evident intention of the bureau act to give the bureau control of this property for the purpose of dividing it up and allotting it to the refugees and freedmen as homesteads. Several circumstances, however, rendered it impracticable to carry out this intention. In the first place, immediate allotment was impossible, because much of the property had already been leased out by the treasury agents, and these leases must be respected. In the second place the amount of land in the control of the bureau was relatively small. Only two-tenths of one per cent of the land in the insurrectionary states was ever held by the bureau. It would have been impossible to give even one acre to each

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family of freedmen. Of this amount actually held the few pieces of confiscated confederate property were insufficient and ill-adapted for allotment as homesteads. Besides, a small amount of property was required by the bureau as quarters for hospitals, teachers, and officers. But a still more potent reason for change in the land policy was the president's new order concerning restoration. Shortly after the organization of the bureau, former owners began to apply to it for restoration of their property. The plan first adopted was to return estates only to those who could prove constant loyalty, past as well as present. "Property must be surrendered only when it was evident that control over it was unauthorized and improper." This course did not meet the approval of President Johnson, who decided that a pardon either by special warrant or by the provisions of the amnesty proclamations issued by Lincoln and Johnson, entitled the person pardoned to demand and receive immediate restoration of all his property, not already sold under decree of confiscation. The work of restoration was entrusted to the bureau and September 12, 1865, General Howard issued orders in accordance with the president's decision. All applications were to be made to assistant commissioners who, with the aid of local commanders and state and federal officials, were to determine: (1) that the applicant had been pardoned; (2) that he had a clear title to the property. Unless owners gave compensation for labor expended, all negroes and refugees cultivating land were to retain possession until crops were secured. Leases were to be respected, but owners were to receive all rent for the period subsequent to pardon.<sup>1</sup> Vigorous exercise of the pardoning power led to rapid progress in restoration. The results were that the tenure of land was rendered so uncertain that

1. McPherson, Reconstruction, 13; Ho. Ex. Docs., 39th Cong., 1st Sess., No. 11, p. 2-6; Ibid., 39th Cong., 1st Sess., No. 70, p. 17; Ibid., 39th Cong., 2nd Sess., No. 1, Vol. 2, p. 797; Ibid., 41st Cong., 2nd Sess., No. 142, p. 10.

its division and allotment among dependents were made impracticable; negroes who had long believed that the lands of former owners were to be divided, were sorely disappointed, and those now dispossessed of lands allotted were pacified only by a promise of protection from owners as a condition of restoration;<sup>1</sup> this wholesale restoration of property greatly reduced the revenues of the bureau so that many schools in Louisiana had to be discontinued. The bureau could not be self-supporting; its whole policy was changed; and the land division was brought to an early close. [In December, 1865, it reported 786,590 acres; in October, 1868, only 139,634 acres remained. A large part of these were unimproved and unprofitable lands which were soon restored or dropped from the rolls.]<sup>2</sup>

"Some relief and compensation," says General Howard, "were given by the act of congress approved June 21, 1866, which opened for entry by colored and white men without distinction all the public lands in the states of Alabama, Mississippi, Missouri, Arkansas, and Florida. Information was published of these public lands and the mode of procedure in order to obtain possession of them. Surveys were made and some assistance granted in transporting families to their new homes. Want of teams and farming implements as well as opposition from their white neighbors, prevented many from taking the benefit of this homestead act; but about four thousand families have faced and overcome these obstacles, have acquired homes of their own, and commenced work with energy, building houses and planting."<sup>3</sup>

1. McPherson, Reconstruction; 13; Ho. Ex. Docs., 39th Cong., 1st Sess., No. 11, pp. 2-11; Ibid., 39th Cong., 2nd Sess., No. 1, Vol. 3, p. 707.

2. Ho. Ex. Docs., 40th Cong., 3rd Sess., No. 1, Vol. 3, Part I, p. 1016; Ibid., 40th Cong., 2nd Sess., No. 1, p. 622; Ho. Misc. Docs., 42nd Cong., 3rd Sess., No. 87, p. 3.

3. Ho. Ex. Docs., 39th Cong., 2nd Sess., No. 1, Vol. 3, p. 763; Ibid., 41st Cong., 2nd Sess., No. 142, p. 10.

*Some relief  
and compensation*

*General Howard's  
order*



*very bad kept*

The lands under control of the bureau were disposed of in various ways. (1) In 1865 from one thousand to ten thousand acres in each state were used as colonies for infirm, vagrant, and destitute freedmen.<sup>1</sup> These establishments were managed by the government, and the negroes, whether able-bodied or otherwise, were required to perform some labor so as to make the colonies self-supporting and, if possible, a source of profit.<sup>2</sup> (2) Some farms were leased to planters and to northern whites who employed negroes upon them. (3) Small pieces of land were first allotted to freedmen and later leased to them for management and cultivation. Town property was usually leased from month to month for a moderate rent based upon that previously exacted by the treasury agents, while farms and plantations were leased for one year, the rent varying from one-tenth to one-twentieth of the crop raised.<sup>3</sup> The total amount of rent collected from bureau lands approximated four hundred thousand dollars.<sup>4</sup>

*was labor regulation*

This brings us to a consideration of one of the most prominent activities of the bureau—its regulation of labor. [At the close of the war, the whole labor system of the south was deranged.] Numerous agencies contributed to its complication and to its reorganization. The actual nature and extent of the influence of each, it is impossible to determine. Simply a brief sketch of the bureau as an agency is here attempted. The work of employment offices, of colonies, and of bureau transportation has already been explained. Besides, by means of a carefully guarded apprentice system, many orphans and destitute children were pro-

1. Ho. Ex. Docs., 39th Cong., 1st Sess., No. 11, p. 4.

2. Report on Reconstruction, Part IV, p. 85, 116; Sen. Docs., 39th Cong., 1st Sess., Vol. 2, No. 27, p. 30.

3. Ho. Ex. Docs., 39th Cong., 1st Sess., No. 11, p. 4; Report on Reconstruction, Part IV, p. 116.

4. American Annual Cyclopaedia, 1870, p. 315.

vided with comfortable homes.<sup>1</sup> Transportation, colonization, and apprentice systems were, however, minor factors. The tremendous task assumed by the bureau was the regulation of relations between employers and laborers throughout the whole area of the insurrectionary states. It sought to insure such a re-adjustment of those relations as should be consistent with the changed conditions resulting from emancipation.

Consider first the negroes under these new conditions. They were now, as they had been before the war, the laboring class of the south; but their legal status had changed from that of slave to that of freedman. The effect of this change upon their condition and attitude varied widely. In 1865 some were still ignorant of the fact of freedom.<sup>2</sup> Before the close of the year, however, most of them had learned of the fact, but they were unable to comprehend its true significance. They rejoiced in the privileges of freedom, but felt not its duties and responsibilities. They had no conception of personal accountability for crime, but still expected their master's word to save them from restraint.<sup>3</sup> Some timidly and trustingly remained with their former master, accepting whatever compensation was tendered to them. If the master had been kind, they labored industriously for him.<sup>4</sup> On the other hand, many were jealous of

1. Ho. Ex. Docs., 39th Cong., 1st Sess., No. 70, pp. 28, 59, 94; Sen. Docs., 39th Cong., 1st Sess., No. 27, p. 15; *Ibid.*, 39th Cong., 2nd Sess., No. 6, p. 130.

2. Report on Reconstruction, Part II, p. 103.

3. Reid, *After the War*, 516; Stearns, *Black Man of the South*, 413; Ho. Ex. Docs., 39th Cong., 1st Sess., No. 70, pp. 308, 371; Sen. Docs., 39th Cong., 2nd Sess., No. 6, p. 42. In the *N. Y. Herald*, Oct. 2, 1865, a "northern traveler" states that an intelligent freedman in Mississippi told him that he "considered no man free who had to work for a living."

4. Report on Reconstruction, Part II, pp. 5, 12; Part III, p. 68; Part IV, pp. 131, 138; Smedes, *Memorialia*, 229; Reid, 478; Somers, 17, 30, 58, 76; Eggleston, *Rebel's Recollections*; Leigh, *Ten Years on a Georgia Plantation*.





their liberty and distrustful of old owners and of new planters. They hesitated about entering into contracts lest they be thereby reduced to slavery.<sup>1</sup> After their lifelong restraint upon plantations their first impulse was to roam abroad and prove their freedom. No strong family ties bound them to their homes; but love of locality and hard experiences while away gradually induced many of these wanderers to return, if possible, to their familiar fields of labor.<sup>2</sup> Some, however, were encouraged in their dreams of idleness by rumors that lands of former owners and great riches were to be divided among them.<sup>3</sup> Regardless of origin, the freedmen in their ignorance, simplicity, and inexperience, readily lent ear to such rumors. Then too, illiterate, ignorant of the value of their services and of the requirements of free labor, they were victims of fraud and misrepresentation on the part of designing men, both northern and southern. On the other hand, not appreciating the binding force of contracts, they were too ready to desert their employers before their term of service had expired, in order to contract with other planters or to enlist in the army. Suspicious and impatient, they could not wait for the portion of the crop to which their agreement entitled them, but must be paid from month to month. Trained as slaves, they knew nothing of work without constant supervision. So, even when fairly industrious and

1. Report on Reconstruction, Part I, p. 107; Part II, p. 200; Ho. Ex. Docs., 39th Cong., 1st Sess., No. 70, p. 308; Sen. Docs., 39th Cong., 1st Sess., No. 27, p. 23; Reid, 506; N. Y. Times, Feb. 4, 1866, — e. g., Fifty-fifth Colored Infantry when mustered out.

2. Report on Reconstruction, Part II, p. 99; Part III, 167; Part IV, 131; Ho. Ex. Docs., 39th Cong., 1st Sess., No. 70, p. 93; *Ibid.*, No. 11, p. 12; Somers, 115; Washington, *Up from Slavery*, 21; Leigh, *Ten Years*; Eggleston, *Recollections*.

3. Report on Reconstruction, Part III, p. 160; Ho. Ex. Docs., 39th Cong., 1st Sess., Nos. 11 and 12; McPherson, *Reconstruction*, 68; Mayes, *Lamar*, 123; *Am. Hist. Mag.*, April, 1903, p. 169.

well-disposed, they were often a source of great perplexity and annoyance.<sup>1</sup>

To the southern planters the change was little less startling. They returned from the battlefield to find their slaves free, their estates neglected and often devastated. Some still had ample means; but most were reduced to virtual poverty. Some were grateful for pardon and for restoration of property; the majority felt a natural but intense bitterness, if not a sense of wrong.

Their relations to the freedmen present such variety and complexity as to render generalization upon the subject extremely difficult. In brief it may be said that, while cases were not infrequent in which former owners blamed the negro for the great calamity, felt a personal hostility toward him and even practiced or threatened violence upon him,<sup>2</sup> as a rule they had a feeling of personal kindness for him as an old servant.<sup>3</sup> This kindly feeling, together with a keen sense of justice, frequently led the employer to hire his former slaves to deal with them fairly and to treat them as free laborers. Where demand for labor was great, self-interest encouraged such action.<sup>4</sup> Many true friends of the negro, however, did not understand the free labor system; many more thought it ill-adapted to the fickle, unreliable, improvident, even lazy freedmen. Knowing the character, previous condition, and former experience of the negro and

1. Report on Reconstruction, Part II, p. 5; Part III, p. 167; Sen. Docs., 39th Cong., 1st Sess., No. 27, p. 51; Stearns, 279, 413; *Year of Wreck*, 168, 202, 218; Reid, 506, and *passim*; Somers, 131; Cox, *Reminiscences*, II, 542.

2. Report on Reconstruction, Part I, 107, 112; Part II, 123, 124, 153, 264, 270, 277; Part III, 24; Stearns, 166; *Year of Wreck*, 223; Sen. Docs., 39th Cong., 1st Sess., No. 27, p. 22.

3. Report on Reconstruction, Part II, 107, 243, 130, 168, 165; Part III, 58; Reid, *passim*.

4. Report on Reconstruction, Part II, p. 4; Sen. Docs., 39th Cong., 1st Sess., No. 27, p. 14; Ho. Ex. Docs., 40th Cong., 2nd Sess., No. 1, p. 677; Reid, p. 475, ff; Smedes, p. 228; Eggleston, *Rebel's Recollections*.

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understanding the management of plantations, they saw that it was inexpedient, not to say impossible, to adopt the northern free labor system in its entirety or to permit negroes to enjoy all the rights of northern laborers. So they retained overseers, inflicted punishments, and imposed restraints which were often really necessary to the direction and discipline of the newly emancipated, but which, in unscrupulous hands, were a menace to liberty and which, to the northern observer, looked like the return of slavery.<sup>1</sup> This impression was confirmed by the passage of the famous "black codes"<sup>2</sup> and by the indefensible actions and utterances of planters inimical to the negro. These men, taking advantage of the black man's ignorance, hired him and worked him for inadequate wages, promised fair remuneration which was never paid, formed combinations to reduce his wages, practiced intentional fraud upon him and even proposed by a rigid enforcement of vagrancy laws to reduce him to a condition of peonage, or modified slavery.<sup>3</sup> Doubtless the reports of injustice and outrage made by negroes and accepted by credulous bureau agents or made by northern enthusiasts and accepted by a credulous north, were grossly exaggerated. But when due allowance has been made for such exaggeration and due credit given to southerners who acted in all fairness and justice, it seems indisputable that the freedmen at the close of the war, if left completely at the mercy of former masters, would have

1. Report on Reconstruction, Part I, pp. 107, 120; Part II, pp. 4, 65, 156, 291; Part III, p. 68, 83; Sen. Docs., 39th Cong., 1st Sess., No. 27, p. 28; Year of Wreck, p. 137 and passim; Reid, p. 475, ff.

2. For a defense of Mississippi's legislation respecting freedmen and for comparison with corresponding codes in northern states, see Publ. Misc. Hist. Soc. IV, p. 166, 204.

3. Report on Reconstruction, Part II, pp. 23, 61, 126, 142, 146, 182, 218, 26, 83; Part III, p. 23; Ho. Ex. Docs., 39th Cong., 1st Sess., No. 70, p. 216, 371; Ho. Misc. Docs., 39th Cong., 2nd Sess., No. 14; Year of Wreck, passim; Avery, History of Georgia, p. 342; Thomas, American Negro, p. 49.

suffered serious infringement of those rights to which a free citizen and a free laborer may justly lay claim as inviolable.

Nor was his security fortified by the presence of northern adventurers who went south with more or less capital and with great expectations of unprecedented success, determined to make their fortunes. Usually they intended to return as soon as those expectations were realized. Such adventurers were not likely to be more scrupulous or more generous in their dealings with the negro than were the permanent southern planters. Moreover, even when they came well disposed toward the freedmen, he frequently took advantage of their familiarity, abused their kindness, and won their contempt. Furthermore from their ignorance of negro character, of plantation management and of southern crops, and from the hostility of southern whites, they often failed in their undertakings and so were unable to reward their laborers. They were an element still more dangerous to the negro, because at first he had such unbounded confidence in northern men.<sup>1</sup>

Soon after the organization of the bureau, General Howard issued circulars to the assistant commissioners, instructing them as to the general policy of the bureau respecting labor regulations. They were to "quicken and direct the industry of the refugees and freedmen, that they and their communities may do all that can be done for the season already so far advanced, to prevent starvation and suffering and promote good order and prosperity." Such public addresses as were calculated to create discontent, were deprecated, but a "careful summary of the principles, laws, and regulations of the bureau" were "to be publicly and privately read throughout the several districts." "Negroes must be free to choose their own employers and be paid for their labor. Agreements should be free, bona fide acts, and

1. Somers, p. 66; New England Freedmen's Aid Society Report, 1864, p. 17; Year of Wreck, passim.

Thought is  
imposed by the  
free labor system



approved by proper officers, and their inviolability enforced on both parties. The old system of overseers, tending to compulsory, unpaid labor and acts of cruelty and oppression," was prohibited. Officers were warned "against any substitute whatever for slavery." With regard to the prices of labor, General Howard believed that experience had "shown it is better to leave them to be regulated by demand. Minimum rates might serve to protect the freedman in many cases, but in scarcely any place could he have exceeded those rates, after they were once established."

The commissioner insisted upon no specific, uniform articles of agreement, but he suggested the following form as meeting his approval:

"Know all Men by These Presents, That ..... of the county of ....., State of, ..... held and firmly bound to the United States of America in the sum of ..... dollars, for the payment of which ..... heirs, executors, and administrators, firmly, by these presents, in this contract: That ..... to furnish the persons whose names are subjoined (freed laborers), quarters, fuel, substantial and healthy rations, all necessary medical attendance and supplies in case of sickness, and the amount set opposite their respective names per month, during the continuation of this contract ..... the laborers to be paid in full before the final disposal of the crop, which is to be raised by them on ..... plantation, in the county of ..... State of ....."

No.	Names	Age	Rate of pay per month	
			Dollars	Cents

This contract is to commence with this day and close with the year. Given in duplicate at ..... this ..... day of ..... 186..."

With these general directions and with this brief form of contract for guidance, the assistant commissioners entered upon their work of labor regulation. They consulted with

1. Ho. Ex. Docs., 39th Cong., 1st Sess., No. 11, pp. 11, 49.

planters and with freedmen, and, in public addresses and published notices, informed them as to the labor policy of the bureau. They issued circulars of instruction to local agents. In matters of detail, these varied from state to state, but they were always the orders of the commissioner, amplified and modified to suit local conditions and the personal views of assistant commissioners. They instructed agents to explain the intentions of bureau officials; to impress upon the freedmen the necessity of labor, of provision for his family, and of securing the highest possible remuneration for his services; to aid him in finding employment and in making fair bargains; to urge upon the planter the necessity of dealing fairly and honestly with the negro as a free laborer, and to emphasize the value of written contracts in preventing disputes and misunderstandings. Agents were forbidden to interfere with freedom of contracts so long as agreements were equitable and so long as no mean advantage was taken of the negro's ignorance.<sup>1</sup> Both parties were to be assured, however, that contracts approved and explained by bureau officials would be enforced upon employers and laborers alike; while planters were to be warned that, in case of dispute over unreasonable unapproved contracts, bureau officers would exact payment at the highest current rate of wages.<sup>2</sup>

In several states, including Tennessee, South Carolina, and Georgia, the form of contract suggested by the commissioner was in turn submitted by the assistant commissioners to their subordinates, who were, however, empowered to modify it "to meet the individual wants, wishes,

1. Upon hearing, in 1866, that negroes were being persuaded to go to Peru on promises of higher wages, Secretary Seward is said to have induced General Howard to order the annulment or disapproval of all contracts for freedmen to go beyond the limits of the United States.—Am. Hist. Mag., April, 1903.

2. Sen. Docs., 39th Cong., 1st Sess., No. 27, p. 60; Ho. Ex. Docs., 39th Cong., 1st Sess., No. 70, pp. 45, 57, 77, 231.



and circumstances of the contracting parties."<sup>1</sup> Colonel Brown of Virginia substituted a longer form defining more nicely the relations and obligations of both parties, and stipulating as to violations and annulments with or without mutual consent.<sup>2</sup> Frequently assistant commissioners provided their agents, not with a fixed form of contract, but with blank forms for the purpose of securing uniformity and of indicating matters proper to be inserted in the agreement. These blanks were usually accompanied by a minute enumeration of points to be covered by contracts;<sup>3</sup> e. g., contracts were to be in duplicate or triplicate, so that the parties to them and the bureau agents might each preserve a copy; as far as practicable, all members of the same family should contract conjointly so that the number of the infirm as well as the able-bodied, should be considered in fixing the rate of pay; wages must be a just compensation for services rendered; the number of days and hours of labor constituting a working month should be stated, immunity from unnecessary work on Sunday guaranteed, and the amount of food and clothing specified; good rations, comfortable clothing, and quarters, medical attendance, and instruction for children should be furnished free of charge, unless otherwise compensated for; penalties were to be fixed for enticing freedmen away, for tardiness of negroes about entering into contract and for violation of it by either party; a portion of the wages was usually to be paid monthly and the rest at the end of the season, a prior lien upon the crop being given in security for the same; finally, a record was to be kept of all contracts approved and witnessed by bureau agents.

The state laws regarding contracts with freedmen seldom met with the approval of bureau officials. But an act of

1. *Ibid.*, pp. 45, 57, 59.

2. *Ibid.*, p. 120.

3. *Ibid.*, pp. 30, 77, 86.

the Mississippi legislature, approved November 25, 1865, provided that "all contracts for labor made with freedmen, free negroes, and mulattoes, for a longer period than one month, shall be in writing, and in duplicate, attested and read to said freedman, free negro, or mulatto by a beat, city or county officer, or two disinterested white persons of the county in which the labor is to be performed, of which each party shall have one; and said contracts shall be taken and held as entire contracts, and if the laborer shall quit the service of the employer before expiration of his term of service, without good cause, he shall forfeit his wages for that year up to the time of quitting." This being recognized as substantially the same as the regulations formerly prescribed by the bureau, it was embodied in the instructions to bureau agents of that state and no further rules or regulations concerning freedmen's contracts were issued.<sup>1</sup>

The two forms of payment, monthly wages and a share of the crop raised, were tried in all the states. Upon plantations wages ranged from \$9 for men and \$5 for women to \$15 for men and \$10 for women, in addition to food, shelter, and fuel. Mill hands, railroad men, and boatmen received from \$15 to \$25 per month. In cities common laborers were paid from \$1 to \$1.25 per day, or \$15 per month with house and provisions, or \$30 per month without food and shelter. Skilled laborers commanded from \$2.50 to \$3.00 per day.<sup>2</sup> Where the share system obtained, freedmen were allowed from one-fourth to one-half the cotton and corn raised, were provided with house and fuel, and often permitted to keep some stock for their own benefit.<sup>3</sup> The merit of this system

1. Sen. Docs., 39th Cong., 2d Sess., No. 6, pp. 63, 104, 194; Ho. Ex. Docs., 39th Cong., 1st Sess., No. 70, p. 177; *Ibid.*, 40th Cong., 2d Sess., No. 329, pp. 2, 30, 32, 10, 22; N. Y. Times, June 13, Aug. 10, 1866.

2. Somers, 17, 30, 65; Ho. Ex. Docs., 40th Cong., 2d Sess., No. 329, p. 10; *Ibid.*, No. 1, pp. 677, 681, 684; Sen. Docs., 39th Cong., 2d Sess., No. 6, pp. 43, 103, 161.

3. *Ibid.*, pp. 43, 146; Ho. Ex. Docs., 40th Cong., 2d Sess., No. 1, p. 681; Somers, 65, 128.



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was that "the gain of the negro was identified with that of the planter," so that the former could be depended upon to work with fewer overseers and remain and labor more faithfully during the picking and harvesting season. As for the negro, he was sure of his subsistence at least, since the planter furnished this in anticipation of the crop.<sup>1</sup> The disadvantages of the plan were: the uncertainty and inequality of return for labor, resulting from the ups and downs of cotton speculation which the negro could not understand; his tendency to become apprehensive of failure of crops and suspicions of his employer; his reluctance to perform any labor which did not bear immediately upon the corn and cotton crop from which he was to benefit; the temptation of the employer to make unreasonable deductions for slight offenses and to charge exorbitant prices for supplies, and of the negro to spend his money before he had earned it. The result was that the negro often had less at the end of the season than if he had labored under the wage system.<sup>2</sup>

General Howard tells us that "in a single state not less than fifty thousand, such (labor) contracts were drawn in duplicate and filed with the names of the parties."<sup>3</sup> The total for all the states must have reached several hundred thousand. For the examination, explanation and approval of these contracts, most assistant commissioners authorized the collection of a fee of ten or twenty cents per capita, but cases are reported where a dollar or a dollar and a half per capita, or five dollars per contract was exacted.<sup>4</sup> It was on account of these abuses and of its prejudicial in-

fluence in neighboring states, where it did not obtain, and of the suspicion with which it came to be regarded by freedmen, that General Howard abolished the fee system in Georgia in 1867.<sup>1</sup>

The consideration of the enforcement of these contracts and the settlement of disputes arising from them, involves an explanation of the judicial work of the bureau. In general the bureau was to protect and maintain the complete civil liberty of the freedman. It was to protect him against violence and outrage, to protect him from any permanent, temporary, or partial system of slavery, to defend his right to hold property,<sup>2</sup> to secure the enforcement of his contracts, to see that he had a fair trial, that his testimony was received in court, and that his family relations were respected. As the old civil codes in the southern states were practically null and void so far as they related to the negro, the commissioner laid down the following general rules for the administration of justice by bureau officers: "The assistant commissioners will everywhere declare and protect their (freedmen's) freedom, as set forth in the proclamation of the president and the laws of congress. . . . In all places where there is an interruption of civil law or in which local courts, by reason of old codes, in violation of the freedom guaranteed by the proclamation of the president and the laws of congress, disregard the negro's right to justice before the laws, in not allowing him to give testimony," the assistant commissioners will adjudicate, either themselves or through officers of their appointment, "all difficulties arising between negroes themselves, or between negroes and whites or Indians, except those in military service, so far as cognizable by military authority and not taken cognizance of by the other tribunals, civil or military, of the United States."<sup>3</sup>

1. Somers, pp. 60, 128, 146; Ho. Ex. Docs., 40th Cong., 2d Sess., No. 1, pp. 677, 684.

2. Somers, 30, 60, 146; Ho. Ex. Docs., 40th Cong., 2d Sess., No. 1, p. 677; *Ibid.*, 40th Cong., 3rd Sess., No. 1, p. 1039; Sen. Docs., 39th Cong., 2d Sess., No. 6, pp. 104, 161, 146, 118, 124, 130.

3. Ho. Ex. Docs., 41st Cong., 2d Sess., No. 142, p. 8.

4. *Ibid.*, 39th Cong., 1st Sess., No. 70, pp. 63, 77; Sen. Reports, 42nd Cong., 2d Sess., Vol. 2, (Florida), p. 232; N. Y. Times, June 13, 1866.

1. Ho. Ex. Docs., 40th Cong., 2d Sess., No. 1, p. 674.

2. McPherson, Reconstruction, 200.

3. Ho. Ex. Docs., 39th Cong., 1st Sess., No. 11, p. 45.



In accordance with these rules, freedmen's courts or boards of arbitration, were organized by the bureau and maintained wherever it was thought that the interests of freedmen could not safely be entrusted to local courts. In spite of attempts to secure uniform regulations for them,<sup>1</sup> these bureau courts presented variety of composition, jurisdiction, and modes of procedure. Sometimes the assistant superintendent alone constituted the court;<sup>2</sup> in its completest form however, it consisted of an agent appointed by the assistant commissioner and of two civilians of the county in which it was organized, one chosen by the freedmen, the other by the whites.<sup>3</sup> Such courts took no cognizance of cases arising between white citizens; but had both civil and criminal jurisdiction over minor cases to which one or both parties were freedmen, and could impose and collect fines and enforce judgments.<sup>4</sup> From them there was no appeal, except to the assistant commissioner<sup>5</sup> and through the commissioner and the secretary of war, to the president of the United States. They were especially occupied with charges of outrage against negroes and with disputes between planters and laborers; while more important civil actions and graver criminal offenses were usually turned over to state or county courts, to military tribunals, or to United States courts, as the legal status of the negroes and local conditions seemed to render advisable.<sup>6</sup> These bureau courts must administer justice in accordance with the laws of the state, in so far as those laws made no distinction as to color, and in Texas at least, the mode of procedure conformed to

1. Ho. Ex. Docs., 39th Cong., 2nd Sess., No. 1, pp. 718, 719.

2. Sen. Docs., 39th Cong., 2nd Sess., No. 6, p. 127.

3. Ho. Ex. Docs., 39th Cong., 1st Sess., No. 11, pp. 62, 136.

4. *Ibid.*, 40th Cong., 2nd Sess., No. 1, p. 1040; Sen. Docs., 39th Cong., 2nd Sess., No. 6, p. 145.

5. Ho. Ex. Docs., 40th Cong., 3rd Sess., No. 1, p. 1044.

6. *Ibid.*, p. 1062; Sen. Docs., 39th Cong., 2nd Sess., No. 6, p. 145.

that prescribed for justices of the peace, except that jurisdiction of bureau courts was not limited by the amount in controversy.<sup>1</sup>

But the judicial work of the bureau was not confined to the transactions of its own courts. In fact in all important cases where civil courts existed, they were to be first appealed to; but when they refused to receive negro testimony or to treat negroes and whites as equals before the law, appeal was to be made to military tribunals, or under the civil rights bill to United States courts. As soon as civil government was completely restored in any state or section, bureau courts were to be discontinued and jurisdiction transferred to civil authorities.<sup>2</sup> So from an early date bureau officials were brought into close relations with these non-bureau tribunals. They heard complaints of whites and blacks against freedmen and of freedmen against whites, and facilitated the bringing of such cases before the proper civil or military courts;<sup>3</sup> in Maryland a special complaint division of the bureau was instituted for this very work.<sup>4</sup> They acted as counsellors and advisers of colored litigants and even appeared in court as free attorneys for such as were unable to procure other counsel; in Mississippi and the District of Columbia the bureau retained a lawyer to defend freedmen in their suits. In many places they were required to attend all civil courts within their district and look after the general interests of freedmen, whether plaintiffs or de-

1. Ho. Ex. Docs., 40th Cong., 3rd Sess., Vol. 3, No. 1, p. 1052; *Ibid.*, 39th Cong., 1st Sess., No. 1, p. 710; *Ibid.*, 41st Cong., 2nd Sess., No. 142, p. 14; McPherson, *Reconstruction*, p. 17; Report on Reconstruction, Part II, pp. 28, 290.

2. *Ibid.*

3. Sen. Docs., 39th Cong., 2nd Sess., No. 6, pp. 44, 54; Ho. Ex. Docs., 40th Cong., 3rd Sess., Vol. 3, No. 1, pp. 1040, 1044.

4. Sen. Docs., 39th Cong., 2nd Sess., No. 6, p. 90.



fendants.<sup>1</sup> Whenever such courts failed to take cognizance of cases brought to their attention or visited excessive fines and punishments upon colored offenders or dismissed white offenders against negroes with ridiculously slight penalties, bureau officials often interfered in behalf of their proteges. Cases were turned over to military authorities for revision or re-trial, appeals taken to United States district courts, or the clemency of the governor sought, through bureau officials.<sup>2</sup> Occasionally when blacks only were involved, special juries of colored men were impanelled.<sup>3</sup> But more disputes were settled by the agents, without intervention of judge or jury.<sup>4</sup>

With the restoration of civil government and the consequent discontinuance of many bureau courts, the judicial work of agents came to be largely that discussed in the last paragraph. During the period of transition from military to civil control, diverse expedients were tried in the different states. In some, bureau agents relinquished all judicial authority; in the majority, they retained jurisdiction over cases arising out of disputes between planters and employees. This was deemed necessary for several reasons: (1) It was uncertain that the negro would receive justice at the hands of local courts. (2) Frequently prompt action was necessary before the crop raised had been disposed of and the lessee, perhaps, departed; in regular courts, long delays were likely to occur. (3) The negro was often too poor to

1. Sen. Docs., 39th Cong., 1st Sess., No. 27, p. 37; *Ibid.*, 39th Cong., 2nd Sess., No. 6, pp. 34, 101, 127; Ho. Ex. Docs., 40th Cong., 2nd Sess., No. 1, p. 657; *Ibid.*, 39th Cong., 2nd Sess., No. 1, p. 718; *Ibid.*, 40th Cong., 3rd Sess., Vol. 3, No. 1, pp. 1030, 1038; *Ibid.*, 39th Cong., 1st Sess., No. 1, p. 718.

2. Ho. Ex. Docs., 40th Cong., 2nd Sess., No. 1, p. 679; *Ibid.*, 40th Cong., 3rd Sess., No. 1, p. 1043, 1044, 1049; Sen. Docs., 39th Cong., 2nd Sess., No. 6, pp. 34, 44, 54, 96.

3. Ho. Ex. Docs., 40th Cong., 2nd Sess., No. 1, p. 686.

4. *Ibid.*, 40th Cong., 3rd Sess., No. 1, p. 1044; *Ibid.*, 40th Cong., 2nd Sess., No. 1, p. 667.

sustain suit in such courts, where heavy bonds were required.<sup>1</sup> But the source, form, and nature of these residuary bureau courts were even more various than those already described. In North Carolina, bureau agents were commissioned as regular magistrates, by Governor Holden.<sup>2</sup> In Alabama, Mississippi, and Georgia, the assistant commissioners authorized the provisional governors to constitute the civil courts of the latter's appointment freedmen's courts, whenever the judges were ready to accept such recognition. Many judges assented, and similar methods were afterwards adopted in other states.<sup>3</sup> In South Carolina, the governor and the military commander took matters out of the hands of the bureau and mutually agreed that freedmen's cases should be tried in provost courts. When, after 1866, the plan of uniting the offices of military commander and assistant commissioner was inaugurated, the control of provost courts passed, of course, into the hands of the assistant commissioner.

To afford a clearer conception of the exact nature of the judicial work of the bureau, a few illustrative cases may be of service:

(1) *Apprenticeship.* Children of former slaves were frequently held as apprentices by former owners. Sometimes they were seized and retained as the rightful holding of the master until 21 years of age; sometimes they were taken before the orphan's court and formally apprenticed. Then they were hired out to other parties for wages which enriched the master alone. Bureau agents gave attention to these cases and, in Maryland and Virginia, hundreds of children were released under the provisions of the reconstruction acts of 1867; in three counties, 255 were set free in a single year.<sup>4</sup>

1. Ho. Ex. Docs., 40th Cong., 2nd Sess., No. 1, pp. 669, 664, 684; *Ibid.*, 40th Cong., 3rd Sess., No. 1, pp. 1044, 1038; Sen. Docs., 39th Cong., 2nd Sess., No. 6, pp. 101, 123, 127.

2. Ho. Ex. Docs., 40th Cong., 3rd Sess., No. 1, p. 1038.

3. *Ibid.*, 39th Cong., 1st Sess., No. 70, pp. 173, 264, 313; Sen. Docs., 39th Cong., 2nd Sess., No. 6, p. 48.



Similar action was taken in other states, notably in Alabama and Kentucky.<sup>1</sup>

(2) *Outrage.* (a) Brutal and unprovoked assault upon H. Powell (colored) by Dr. A. H. Somers (white) was reported by a bureau agent in Maryland. The case was brought before the state supreme court, negro testimony admitted, and the civil rights act upheld.<sup>2</sup>

(b) Turner Pugh and Andrew Neighbors, both colored, rented some 60 acres of land about five miles from Memphis, Tennessee, and commenced to make a crop. April 3, 1868, ten men came to their cabin disguised, took them to the creek bottom and threatened to kill them. They were finally released upon giving up a shot-gun, a watch, and five dollars. They were notified that they would be killed unless they left the land they had rented within 24 hours and the state within five days. They thereupon abandoned their land and reported to a bureau agent, who had all the assailants that Pugh could identify arrested and bound over in the sum of \$3000, to await the action of the grand jury. These assailants were afterwards arrested and imprisoned for perjury and theft.<sup>3</sup>

(c) In Kentucky in 1867 bureau officials arrested eighty-nine persons for outrages upon negroes and turned them over to the United States commissioner to be held for trial before the United States district court.<sup>4</sup>

(3) *Injustice of Local Courts.* (a) A negro who was attacked by a mob shot a man in self-defense. He was, however, convicted of manslaughter and sentenced to five years in the state prison. The bureau assistant commissioner appealed to the governor for a pardon.<sup>5</sup>

1. Ho. Ex. Docs., 40th Cong., 3rd Sess., Vol. 3, No. 1, pp. 1032, 1057; *Ibid.*, 40th Cong., 2nd Sess., No. 1, p. 679; Sen. Docs., 39th Cong., 2nd Sess., No. 6, p. 34.

2. Sen. Docs., 39th Cong., 2nd Sess., No. 6, p. 34.

3. Ho. Ex. Docs., 40th Cong., 2nd Sess., No. 329, p. 42.

4. *Ibid.*, 40th Cong., 2nd Sess., No. 1, p. 669.

5. Sen. Docs., 39th Cong., 2nd Sess., No. 6, p. 34.

(b) "It was represented to the military commander that negroes of Alabama had aided the federals in April and May, 1865, by bringing into the lines, or by destroying, stock, provisions, and property that would aid the confederacy, and that they were now being arrested by the officers of the provisional government for larceny and arson. It was ordered that the civil authorities be prohibited from arresting, trying, or imprisoning any negro for any offense committed before the surrender of Taylor (May 4, 1865,) except by permission of military headquarters, or of the assistant commissioner of the freedmen's bureau."<sup>1</sup>

(c) Late in 1866, seventeen able-bodied hands were discharged from a farm without pay. The employer was, unfortunately, only a lessee, having no land or real estate in that region, and about to remove his effects to other parts. Without the prompt intervention of bureau agents, these laborers would doubtless lose their wages, as they were too poor to provide the requisite bond for twice the amount of the claim and so to secure adjudication in local courts.<sup>2</sup>

These cases are fairly representative. They do not, of course, illustrate the innumerable petty disputes forced upon bureau agents. Furthermore, coming as they do mainly from the favorable reports of those officials, they tell us nothing of the errors of judgment on the part of adjudicators nor of the defects in the judicial administration of the bureau, so often alluded to by candid observers<sup>3</sup> as well as by hostile critics.

1. Am. Hist. Mag., April, 1903, p. 166—Mr. Fleming adds: "The order was so construed that practically no negro could be arrested for stealing when he was setting out for town and the bureau."

2. Sen. Docs., 39th Cong., 2nd Sess., No. 6, p. 123.

3. On assuming command in the state of Georgia, Major General Steedman found the bureau courts acting in a manner so illegal and oppressive and creating so much well-founded opposition to the government, that he abolished them and required cases to be adjudicated before provost courts or military commissions.—Sen. Docs., 39th Cong., 2nd Sess., No. 6, p. 54.—See also Ho. Ex. Docs., 39th Cong., 1st Sess., Nos. 120 and 123 (Steedman and Fullerton's Report) Publ. Misc. Hist. Soc., IV, 110.



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They do, however, serve as concrete examples illustrative of some of the most important classes of cases with which the bureau was concerned.

As to the justification and success of these efforts to regulate labor and secure justice, there has been sharp division of opinion. That this should be so was inevitable, because (1) of the different standpoints from which the matter is viewed by the northern friend of the bureau and the southern opponent, and (2) because of the conflict of testimony as to (a) the attitude and intentions of southern whites respecting the negro, (b) the conduct and character of the bureau agents, and (c) the effect of its operations upon the negro and upon the south.

(1) The northern friend of the bureau, dominated by ideas of the equality and the inalienable rights of man, would have immediately made the freedman acquainted with the full measure of freedom and immediately lifted him, in civil rights at least, to the level of the northern laborer, regardless of race, color, or previous condition of servitude. In view of the enormous power exercised by the central government during the war and of the disorganized condition of the southern states, he did not hesitate as to the constitutionality or the right of extending federal control to the regulation of labor and of justice in those states. On the other hand the southern opponent, aside from any desire to perpetuate slavery or other forms of unfree labor, was convinced that the negro was a member of an inferior race, unqualified to enjoy the rights and to perform the duties of full citizenship without danger to whites and detriment to blacks; that the southern whites were more competent to deal with him than was the stranger from the north; and that it was an unwarrantable infringement of the rights of a state for a bureau, the representative of the federal govern-

ment, to interfere with the state's administration of justice in its courts in time of peace.<sup>1</sup>

(2) (a) Northerners were also inclined to believe that the majority of southern whites were hostile to the freedmen. Reports of outrages and fraud perpetrated upon him, of the enforcement of harsh vagrancy laws, of refusals to admit negro testimony in courts or to give it any weight when the interests of white men were involved, and of failure to protect him in his right to own and hold real estate, confirmed the suspicion that neither his civil rights nor his freedom itself were safe in the hands of his former master.<sup>2</sup> Southern whites, however, declared themselves friends of the negro with no desire to oppress him. They maintained that the vagrancy laws were not harsh and were not rigorously enforced; that negroes of good character were as likely to receive justice as were white men; that while the vast majority opposed negro suffrage and the more prudent objected to the indiscriminate admission of negro testimony as unsafe and inexpedient, many looked forward to the gradual establishment of equality before the law whenever this could be attained without making their courts of justice a mockery.<sup>3</sup>

(b) As to the personnel of the bureau, its friends admit that individual officers occasionally made mistakes, acted imprudently, even permitted abuses and consulted personal interests; but maintain that as a rule they were liberal, capable, faithful, and intent on doing justice to both races;

1. Report on Reconstruction, Part II, 168-9; Ho. Ex. Docs., 39th Cong., 1st Sess., No. 123, p. 4.

2. Report on Reconstruction, Part II, pp. 4, 49, 150, 335; Part III, pp. 26, 61, 139; Part IV, pp. 78, 89; Ho. Ex. Docs., 39th Cong., 1st Sess., No. 70, pp. 241, 255; Sen. Docs., 39th Cong., 1st Sess., No. 27, p. 14; N. Y. Tribune; Bureau Reports.

3. Report on Reconstruction, Part II, pp. 108, 264; Reid, p. 296; Publ. Misc. Hist. Soc. IV, 162, 165 (Utterances of Gov. Humphreys of Miss., 1865.)

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and that their names deserve a place on the "roll of fame."<sup>1</sup> Its foes, however, denounce the officials in strongest terms. One characterizes them as adventurers, bargainers, blackmailers, and office seekers;<sup>2</sup> another as unmitigated rascals who plucked from the negro his hard-earned dollars and who were frequently in the pay of the employer who submitted to black-mail rather than be subjected to constant and unnecessary annoyance;<sup>3</sup> a third as broken-down politicians, adventurers, and decayed ministers of the gospel who "not content with the petty business of robbing the negro" . . . "were to become statesmen and traffic and barter away the credit of states."<sup>4</sup> These are but a few of the numberless characterizations of bureau officials in general,<sup>5</sup> while to individual agents were everywhere applied the most scathing epithets of denunciation and contempt.

(c) In the eyes of its champions the beneficial results of the bureau's operations were manifold. It had prevented outrages and violations of contracts on the part of employers; repressed idleness among freedmen and incited them to honest labor; proved a school of practical business; done much to render them self-supporting and to enable them to engage in business for themselves; furnished a speedy remedy for grievances of laborers and employers, and facilitated the settlement of differences between them; it had restored confidence and removed the negro's fear of entering into contracts; benefited the white people of the south by inducing negroes to enter into agreements, to live up to them and

1. Report on Reconstruction, Part II, p. 264; Part III, p. 118; Part IV, p. 66; Ho. Ex. Docs., 39th Cong., 1st Sess., No. 70, p. 211; Ho. Reports, 42nd Cong., 2nd Sess., Vol. 2, p. 1094.

2. Edward Mayes, in *Life of Lamar*, p. 153.

3. Charles Stewart, in *Solid South*, p. 356.

4. H. A. Herbert, in *Solid South*, p. 30.

5. For further illustrations see Publ. of Miss. Hist. Soc. IV, p. 110; Am. Hist. Mag., Oct., 1903, p. 356.

to refrain from hostile combinations against the whites, and finally through its courts it had not only secured justice to the freed people for the time being, but also produced a permanent alteration in the administration of civil law, securing admission of negro testimony, rigorously enforcing contracts and bringing about the repeal of laws prejudicial to negroes.<sup>1</sup>

The opponents of the bureau saw in it none of these benefits. Rather they looked upon it as instituting a new system of slavery—of slavery to the central government under which idleness and vagrancy were fostered by baseless hopes of continued government support; money lost through agents' recommendations of the freedmen's banks; suspicion and contempt of state laws excited by federal revision and nullification of the action of state courts; rudeness, impudence, and defiance encouraged by the presence and operation of the bureau, "a visible sign . . . that the whites were deposed from all authority;" friction between the races and violence on the part of blacks incited by bad agents eager to prolong the apparent necessity for their offices; and conditions precipitating the KuKlux movement thoroughly established.<sup>2</sup> But let southerners speak for themselves: "Backed by details of soldiery, empowered to act on all interests touching the blacks, even to the extent of nullifying judgments of civil courts and even on matters so simple and unpolitical as the collection of wages and debts,

1. Report on Reconstruction, Part III, p. 80, 110; Part IV, pp. 11, 123, 158; Ho. Ex. Docs., 41st Cong., 2nd Sess., No. 142, pp. 8-15; Ibid., 39th Cong., 2nd Sess., No. 7, p. 666; Ibid., 39th Cong., 1st Sess., No. 70, p. 359; Abbot, *Results of Emancipation*, p. 22.

2. Am. Hist. Mag. Oct. 1903, p. 356; Report of Reconstruction, Part IV, pp. 131, 132; Ho. Reports, 42nd Cong., 2nd Sess., (Mississippi), Vol. 2, pp. 852, 883; Sen. Reports, 42nd Cong., 2nd Sess., (Alabama), Vol. 1, pp. 477, 1132; Ibid., (Florida), p. 232; Reid, p. 298; Herbert, *Solid South*, pp. 30, 237, 356; Leigh, *Ten years*; MS Letters from Dr. Curry, Washington, D. C.; Gen. S. D. Lee, Columbus, Miss.; Professors Leavell and Deapree of University of Mississippi; Prof. K. P. Battle, University of North Carolina; Dr. T. G. White, Beaufort, S. C.

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ts work, not by due process of law, but by military by a court martial, its tendency was to create of the blacks both a suspicion of the laws of and a belief that they were outside and superior to general Stephen D. Lee says: "A more ingenious not have been framed to sow distrust and alien- groes and whites who had to live together."<sup>1</sup> Humphreys of Mississippi, in a special message slature, 1866, wrote: "To the guardian care of en's bureau have been entrusted the emancipated he civil law and the white man outside the bu- been deprived of all jurisdiction over them. Look a and see the result. Idleness and vagrancy have rule. Our rich and productive fields have been d for the filthy garrets and sickly cellars of our s and cities. From producers they are converted into sumers and as winter approaches their only salvation from starvation and want is federal rations, plunder and pil- lage."<sup>2</sup> Such opinions might be multiplied almost indefi- nitely. Probably they represent fairly the estimate of the great mass of southern whites of high standing and wide infnence.

In view of the facts presented and these statements, some- what contradictory and somewhat supplementary, to what extent is it fair to say that the personnel, conduct, and results of the bureau have justified the clothing of such a military organization with unlimited power to regulate labor and administer justice throughout the south?

In the first place, that General Howard was true to the negro and not hostile toward the well-intended white, is beyond question. His instructions show that his watch- words were justice, freedom, industry, confidence, concilia-

1. *Mayes, Life of Lamar*, p. 152.

2. MS chapter: "The South since the War."

3. Quoted in *Publ. Misc. Hist. Soc. IV*, p. 166.

tion, fidelity. He "made friends by the just and fair in- structions and advice he gave."<sup>1</sup> He urged prompt inves- tigation of all charges against bureau officials. It was never shown that he had counselled or countenanced any measure prejudicial to blacks or unnecessarily irritating to whites.

The assistant commissioners were men of ability, several of whom have won enviable national reputations.<sup>2</sup> Their orders to subordinates and their circulars of information were usually in accord with the suggestions of the commis- sioner and with the general policy of the bureau. Few of them were ever charged with fraud or mismanagement, and no such charges were fully established.<sup>3</sup> Generals Fiske, Swayne, Saxton, Brown, and Tillson have received especial commendation for their work.<sup>4</sup> In fact, as a rule, the chief defects in the administration of the bureau were due, not to high officials, but to local agents.<sup>5</sup> The following testimony of eye-witnesses and students of its operations shows the nature and causes of these defects.

Lieutenant George O. Sanderson, of Boston, said before the committee on reconstruction: "In the appointments for this bureau they do not select right men." In support of his statement, he cited cases of gross drunkenness and of misapplication of government supplies in Virginia and North Carolina.<sup>6</sup> Hon. H. A. Herbert pertinently remarks that "the first lesson in the horn-book of liberty for the freed- man obviously was that in the sweat of his face he must

1. Grant's Report, in *McPherson, Reconstruction*, 67.

2. E. g., Sheridan, Burbank, Miles, Terry, and Fiske.

3. Fullerton and Steedman's charges against Whittlesey; Wood against C. H. Howard.

4. *Am. Hist. Mag.*, July 1903, p. 234. *Andrews, South since the War; Report on Reconstruction Part I*, p. 109; *Part III*, p. 110, MS letter from O. O. Howard; *Ho. Ex. Docs.*, 39th Cong., 1st Sess., No. 120, p. 66.

5. Kennaway, *South after the War*, 46; Straker, *New South*, 86; *Am. Hist. Mag.*, April, 1903, p. 164; *Ibid.*, July, 1903, p. 242; *Publ. Misc. Hist. Soc.*, IV, 162.

6. *Report on Reconstruction, Part II*, p. 177.

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earn his bread. . . . It is a sad commentary on the workings of the bureau that the best thing General Grant could say was that many, *perhaps* a majority, of them did so advise."<sup>1</sup> Dr. James M. Turner, a southern man and union soldier, who had spent some time in Louisiana, believed that the bureau needed to be localized. Its operations were too much centered in large cities. It was like a great many other things connected with the government; the law itself is good, but those who have the management and direction of it sometimes make it inoperative, so that it does not carry out what it was intended to accomplish."<sup>2</sup> The matter is well summed up by Hon. J. M. Botts of Virginia, by Sydney Andrews, a northern man, who had traveled extensively through the south during the reconstruction period, and by Hon. R. A. Hill, an ex-federal judge and one of the highly respected unionists of the south. What they say of Virginia, South Carolina, and Mississippi, was doubtless true of many states. This is the testimony of Mr. Botts: "I have heard of a great many difficulties and outrages which have proceeded, in some instances, if the truth has been represented to me, from the ignorance and fanaticism of persons connected with the freedmen's bureau, who do not understand anything of the true relations of the original master to the slave, and who have in many instances held out promises and inducements which can never be realized to the negroes, which have made them entirely indifferent to work and sometimes ill-behaved. On the other hand, there are many of the persons connected with the freedmen's bureau who have conducted themselves with great propriety, and where that has been so, there has been no difficulty between the whites and blacks."<sup>3</sup> "Theoretically and in the intent of congress," writes Sydney Andrews,

1. *Solid South*, 17; cf. McPherson, *Reconstruction*, 67.

2. *Report on Reconstruction*, Part IV, p. 127.

3. *Ibid.*, Part II, 122.

"the freedmen's bureau stands as the next friend of the blacks; practically and in the custom of the country, it appears to stand too often as their next enemy. That General Saxton is their good friend does not need to be asserted. Very likely the district commissioners under him are wise and humane men, and unquestionably the general regulations for the state are meant to secure justice to the freedmen. The trouble arises from the fact that it is impossible for the state commissioner or his chief deputies to personally know all or even half their various local agents. . . . Headquarters for this district (Orangeburg) are thirty miles below here, and the ranking officer of the bureau has probably agents in at least forty different towns, the majority of whom are doubtless lieutenants from the volunteer forces of the army. They are detailed for this duty by the military commander of the post or district—sometimes after consultation with the assistant commissioner, but quite generally without. As the post garrisons are constantly changing, there may be a new agent of the bureau once a month in each town of the district; and I need not add that the probabilities are that half the aggregate number on duty at any given time are wholly unfit for the work."<sup>1</sup> Judge Hill writes: "Like all other efforts of humanity" the results of the freedmen's bureau "depended very much upon those appointed to carry it out and give it the aid intended. Where the agent was a man of good sense and free from prejudice to either party or race, good results were attained; but, in many instances, the agents were deficient in these necessary qualifications, and the results were, not only a failure to accomplish the purpose of the bureau, but a decided evil."<sup>2</sup>

Through its work of labor regulation and administration of justice, which brought its agents into intimate relations with representatives of all classes, the freedmen's bureau

1. *South since the War*, 23.

2. MS. Letter, Oct. 29, 1899.





became one of the most familiar and conspicuous agencies of reconstruction. Through this work it exerted its most vital influence upon the industrial life of the south. Perhaps, moreover, no work which it undertook was more necessary; for the fears, tendencies, and misconceptions which had possessed the negro, the unwillingness of some whites to treat him fairly as a free laborer, and the reluctance of a majority of southerners to grant him the free exercise of those civil rights to which the law entitled him, seem to have cried for intervention and adjustment. The dispensing of relief to starving and suffering freedmen was commendable and was urgently required, but labor regulation and judicial administration struck at fundamental relations which were to determine, in a large measure, the future status of the race, and so were more far-reaching in importance.

The task was of the gravest. With no precedent to guide, it was a work in which complete success was not to be hoped. Millions of slaves were to be introduced to citizenship and to business life. Millions of proud American masters, aristocratic, jealous of their privileges, champions of states rights, were to be compelled to deal with their slaves as man with man, upon a basis of civil equality. Even under the most favorable conditions the presence of a military organization like the bureau and of its federal military courts interfering with the details of plantation life, and undertaking to regulate the relations of race with race, could not fail to be regarded by the southern whites as an offensive intrusion, an intervention unwarrantable and unconstitutional. When best administered, such an institution was likely to intensify hostility toward the north.

Conditions, however, were far from favorable and the bureau was not always well administered. The south was depressed by military and financial disaster. War passion and sectional bitterness ran high. The hour for conciliation and co-operation between north and south was not at hand. At

such a time, domination by a triumphant nationality, a victorious north was peculiarly galling. When that rule affecting the simplest business and civic relations was so often exercised by narrow, misguided, unprincipled, or partisan bureau agents, the humiliation was well-nigh intolerable. The anomalous judicial system was particularly objectionable. Negroes just released from slavery and easily influenced by unworthy advisers were encouraged to bring suits, to testify and to insist that their testimony be given the same weight as that of their more enlightened white neighbor. Thus theoretically, an exalted standard of racial equality before the law was established; while practically the will of the bureau agents was enthroned. As Mr. W. E. B. DuBois has remarked, "If the bureau could have maintained a perfectly judicial attitude," the regular bureau court, consisting of a bureau agent and a representative of each of the races of the south would have been an ideal arrangement; but the character of bureau advocates and agents "prejudiced them in favor of black litigants and led without doubt to much injustice and annoyance. Bureau courts tended to become centers simply for punishing whites, while the regular civil courts tended to become solely institutions for perpetuating the slavery of blacks." The white man keenly resented the system of espionage, the thwarting of his attempts to restrain idle, vagrant, and vicious negroes, and the inconvenience and humiliation of being summoned long distances to appear before bureau courts on petty charges preferred by former slaves. He believed the plan wrong in principle and vexatious and dangerous in practice. The negro's air of insolence and growing "importance" became more and more exasperating. The KuKlux movement was encouraged. The gulf between north and south, between black and white, widened and deepened.

1. Atlantic Monthly, Vol. 87, p. 362.

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This, however, is only half the story. Great good had been expected by the exponents and directors of this work, and indeed the sum total of good results was not inconsiderable. To the negro was imparted a conception—inadequate and distorted though it may have been—of his civil rights as a freeman. In a land long dominated by slavery, when freedom had just been decreed, when neither black nor white well understood the value of free labor, and before the law of supply and demand could re-adjust labor relations, the bureau set up a tentative scale of wages. Though determined partially by the experience of treasury agents and military commanders, this was necessarily arbitrary and could lay no claim to permanence. It was, nevertheless, important as a temporary adjustment, a plank in the bridge from slavery to freedom. When under the direction of broad, temperate, capable agents, the labor division unquestionably accomplished much of the larger purpose for which it was ordained and which its friends maintain that it fulfilled. All things considered in this branch of the work, more marked success was achieved than a calm study of the perplexing situation would lead the thoughtful man of today to think that such an abnormal and short-lived institution could have attained.

## CHAPTER IX

### POLITICAL FEATURES

We have viewed the bureau in some of its philanthropic, educational, industrial, and judicial aspects. Important as these are, its political character is no less interesting and significant. In the broadest sense of the term it was a political organization, unique and gigantic. After the passage of the second bureau bill it became a full-fledged government, exercising throughout the unreconstructed south, legislative, executive and judicial authority, and in all, supported by the military forces of the United States. But some of its features, political in a narrower sense of the term, are now to engage our attention. These may properly be discussed under three general heads: (1) the bureau's share in regulating suffrage and elections under the reconstruction acts; (2) bureau agents as carpet-bag politicians and office-holders in the south; (3) the bureau as a political issue in the north.

(1) The direct official participation of bureau agents in the political affairs of the south dated from the passage of the reconstruction acts of March, 1867. Under these acts, the ten southern states affected were divided into five military districts, each in command of an officer not below the rank of brigadier general. He was not only to protect the rights of persons and property, suppress disorder, and punish criminals and disturbers of the peace, but also to determine what persons were entitled to vote, to superintend the registration of voters, to fix the date and place for voting upon the question of constitutional conventions, to appoint agents to conduct such elections, to determine and announce the result, to call and to arrange for constitu-



tional conventions, to conduct elections at which constitutions framed by these conventions were submitted for ratification, and to report the results of such elections.

The chief end of these acts was to enfranchise the negroes and to disfranchise the whites. Each commander was required to cause a registration to be made of the male citizens of his district twenty-one years old and upwards, of whatever race, color or previous condition; while all were excluded from a voice in elections, who "may be disfranchised for participation in the rebellion, or for felony at common law," or who refused to take the iron-clad oath.

Bureau officials shared both directly and indirectly in the execution of these acts. The act of March 23 provided that registrations and elections should be conducted by boards of three "loyal officers or persons" appointed by the district commander and taking the "iron-clad" oath. In the constitution of these boards, the district commanders followed no uniform practice. Some preferred civilians; but General Schofield, commander in Virginia, ordered that one member "be an officer of the army or freedmen's bureau, if possible." Either from preference or from scarcity of suitable "loyal" civilians, bureau agents were similarly employed in other states. Everywhere throughout those states which had rejected the fourteenth amendment, they were busy giving the freedman instruction, advice, and encouragement. In private conversations upon plantations and in public addresses, they informed him as to his rights under the new legislation. They impressed upon him the necessity of registration. They advised him as to the time and place of registering and voting. They disabused his mind of certain erroneous ideas concerning registration and suffrage. They assured him that his name and his oath were not desired for the purpose of imposing a tax or of holding him to military service, but simply to enable him to share with the white man the privilege of choosing those who should hold office in the county, state, and nation in which

he lived; that unless he registered, he might be deprived of this privilege; and that he would not be allowed to suffer from the exercise of the right of suffrage. This last assurance was given because employers frequently resorted to threats or to undue influence in order to control the negro's vote or to restrain him from voting at all. General Howard also ordered agents to counteract as far as possible the "influence of persons inimical to the freedmen's registering and voting" and to assist to a home and to employment all who should be "discharged for having voted as they pleased."

All this aided much in carrying out the radical spirit of the reconstruction acts. But an unofficial organization closely connected with the bureau was even more potent. This was the Union League of America,<sup>2</sup> a grand secret society devised in the north and modified and promoted in the south by the "friends" of the negro. Its branches were scattered throughout the several states, some composed chiefly of whites, others principally of blacks. Its avowed object was to "protect, strengthen, and defend all loyal men without regard to sect, condition, or party." Really it was a means of solidifying the negro vote and of shutting out the mass of the whites. Most southern white men were excluded from membership, either by rejection of their names or through their inability to subscribe to the credo that secession was treason. Even of those southern whites who had early identified themselves with the league, the great majority withdrew when the negro became conspicuous in the organization. The negro, on the other hand, was delighted to have his legal guardian invite him to join a secret

1. McPherson, *Reconstruction*, 317, 320, 321; Ho. Ex. Docs., 40th Cong., 2d Sess., No. 1, pp. 662, 668, 667, 673; *Ibid.*, 40th Cong., 3rd Sess., No. 1, pp. 1036, 1046.

2. Sometimes known as the Loyal League.—Sen. Reports, 42nd Cong., 2d Sess., (Alabama) Vol. 1, pp. 357; Herbert, *Solid South*, 332; Wallace, *Carpetbag Rule*, 45.

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league, "which was to protect him in his new-found liberties." He was attracted by the mystery of the organization and by the parades which it instituted.<sup>1</sup> He was impressed with its forms and ceremonies and with the solemn oath "to defend and perpetuate freedom and union."<sup>2</sup>

The political purpose and power of the league are shown by the fact that members were sworn to vote for none but advocates and supporters of the principles of the league and by the resolution of its council at Montgomery "that the union league is the right arm of the union republican party of the United States and that no man should be initiated into the league who does not heartily endorse the principles and policy of the union republican party."<sup>3</sup>

Among the leaders of this organization were numerous officials of the freedmen's bureau.<sup>4</sup> We are told that assistant commissioners were initiated and agents went from plantation to plantation inducing negroes to join, until, in some states, four-fifths of the newly enfranchised voters had been enrolled.<sup>5</sup> The bureau and the league, possessing strong organization and the confidence of the negro race, were the two agencies most effective in putting the reconstruction measures into prompt execution.

(2) The position of the bureau official was one of great power and responsibility, but it was also one of great political temptation. He was the "next friend" of the negro. How far and to what end should this official friend exert political influence over his ward? Patriotic zeal might lead him to regard negro suffrage and the execution of the con-

1. Mayes, Lamar, 153; Fleming, Union League, pp. 79, 81.

2. Fleming, Union League, p. 81.

3. Herbert, Solid South, 41, 332.

4. In Florida, Assistant Commissioner Osborne had previously organized a Lincoln Brotherhood, similar in purpose and later supplanted by the League.—Wallace, 42.

5. Herbert, Solid South, 41, 191; Sen. Reports, 42nd Cong., 2nd Sess., (Alabama) Vol. I. p. 257; Fleming, Union League, p. 78.

gressional plan of reconstruction as essential to the welfare of the country. Partisan zeal might lead him to think them indispensable to the perpetuity of the republican party. If he had personal political ambition, he could not fail to see that with them his fortune was made; without them he had no hope of office in the south.

Whatever their motives, it is plain that high bureau officials were keenly interested in the success of the radical policy. Even in letters to the commissioner, reporting his official observation of educational conditions in the south, General Inspector Alvord betrayed the attention he had given to political matters and the importance he attached to the success of Bullock, the candidate for governor in Georgia, who was then advocating more vigorous reconstruction measures in his state.<sup>1</sup> But however profound their interest, some refrained from unnecessary or questionable partisan activity. In Virginia Colonel Brown even directed bureau officers "not to mingle personally in the political contests consequent upon reconstruction of the state under the acts of congress nor to become partisans by accepting nomination to civil office."<sup>2</sup>

In many places, however, no such restrictions were imposed, and bureau officials, high and low, were not slow to enter the political field. Mr. H. A. Herbert declares that even in 1865 many were in search of the offices which afterward came to them through their wards and that from that time they resorted to various means of impressing upon the northern mind the necessity of negro suffrage, through which alone such northern adventurers could hope for political preferment.<sup>3</sup>

Some southern statements concerning the work of General Swayne are significant. Mr. Walter L. Fleming in his

1. Letters from the South, by J. W. Alvord, pp. 20, 21.

2. Ho. Ex. Docs., 41st Cong., 3rd Sess., No. 1, p. 1036.

3. Atlantic Monthly, Vol. 87, p. 151.



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article on military government in Alabama, says: "General Swayne had long enjoyed the confidence of the best men. His influence over the negroes was supreme and had been used to promote friendly relations between the races. But as soon as the reconstruction was taken charge of by congress and party lines were drawn, all his influence, personal and official, was given to building up a radical party in the state and to securing the negroes for that party. He was high in the councils of the union league and controlled the conventions of the party."<sup>1</sup> According to Mr. Herbert, when the congressional plan of enforcing negro suffrage was inaugurated, General Swayne had already been announced as a prospective candidate for United States senator from Alabama.<sup>12</sup>

Bureau agents played a conspicuous role in the framing of new constitutions in the several states.<sup>3</sup> In Alabama Harmount, an ex-bureau agent, became a member of the state assembly and Buckley, another agent, was elected member of congress.<sup>4</sup> In Florida, the strongest republican faction bore the name of Assistant Commissioner Osborne and found its leadership among army and bureau officials. In 1868 all the machinery of election was in their hands and much fraud is thought to have been perpetrated.<sup>5</sup> Osborne was chosen United States senator. Of other bureau officers in that state, Marcellus L. Stearns became speaker of the assembly<sup>6</sup> and later, governor;<sup>7</sup> Charles M. Hamilton, a

1. Am. Hist. Mag., July, 1903, p. 242.

2. Herbert, *Solid South*, 41.

3. Garner, *Reconstruction in Mississippi*; Wallace, 55-60; Sen. Reports, 42nd Cong., 2nd Sess., (KuKlux) p. 359; *Journals of Const. Conventions*.

4. Sen. Reports, 42nd Cong., 2nd Sess., (KuKlux, Florida), p. 357.

5. Herbert, *Solid South*, 140.

6. Wallace, 79; Sen. Reports, 42nd Cong., 2nd Sess., (KuKlux, Florida), p. 68.

7. Herbert, *Solid South*, 164.

member of congress and afterwards postmaster at Jacksonville, in spite of his unsavory reputation as a bureau agent;<sup>1</sup> and W. J. Purman of Pennsylvania was successively delegate to the constitutional convention, county judge, secretary of state, state senator, and United States internal revenue assessor.<sup>2</sup> In 1868, General R. K. Scott, assistant commissioner for South Carolina, was elected governor by a narrow majority and entered upon one those corrupt and extravagant administrations so common in reconstruction days.<sup>3</sup>

In 1868, when Alabama voted upon the ratification of the constitution, the republicans had a full ticket in the field. Among the candidates were the following from the freedmen's bureau: "Applegate of Ohio, for lieutenant governor; Miller of Maine, secretary of state; Reynolds, of Maine, auditor; John C. Keiffer, of Ohio, commissioner of internal revenue." The constitution was rejected and these men defeated,<sup>4</sup> but they had embraced their opportunity to run for office.

Even General Howard was not wholly free from political aspiration. In 1868, Professor J. M. Langston of Howard University went through some of the southern states forming societies among colored men with a view to "booming" Salmon P. Chase for president and O. O. Howard for vice president. Later, General Howard asserted that he did not urge on the movement vigorously, because he was a friend of Grant and would do nothing prejudicial to the candidacy of the great general.<sup>5</sup>

Mr. H. A. Herbert writes: "Nearly every one of these

1. Wallace, 107; N. Y. World, June 16, 1863; *KuKlux Reports (Florida)*, p. 288.

2. *Ibid.*, (Florida) p. 149.

3. Herbert, *Solid South*, 86ff.

4. *Solid South*, 47.

5. Ho. Reports, 41st, Cong., 2nd Sess., No. 121, p. 419.

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(bureau) agents who remained in the south after reconstruction was a candidate for office; many actually became governors, judges, legislators, congressmen, postmasters, and revenue officers."<sup>1</sup>

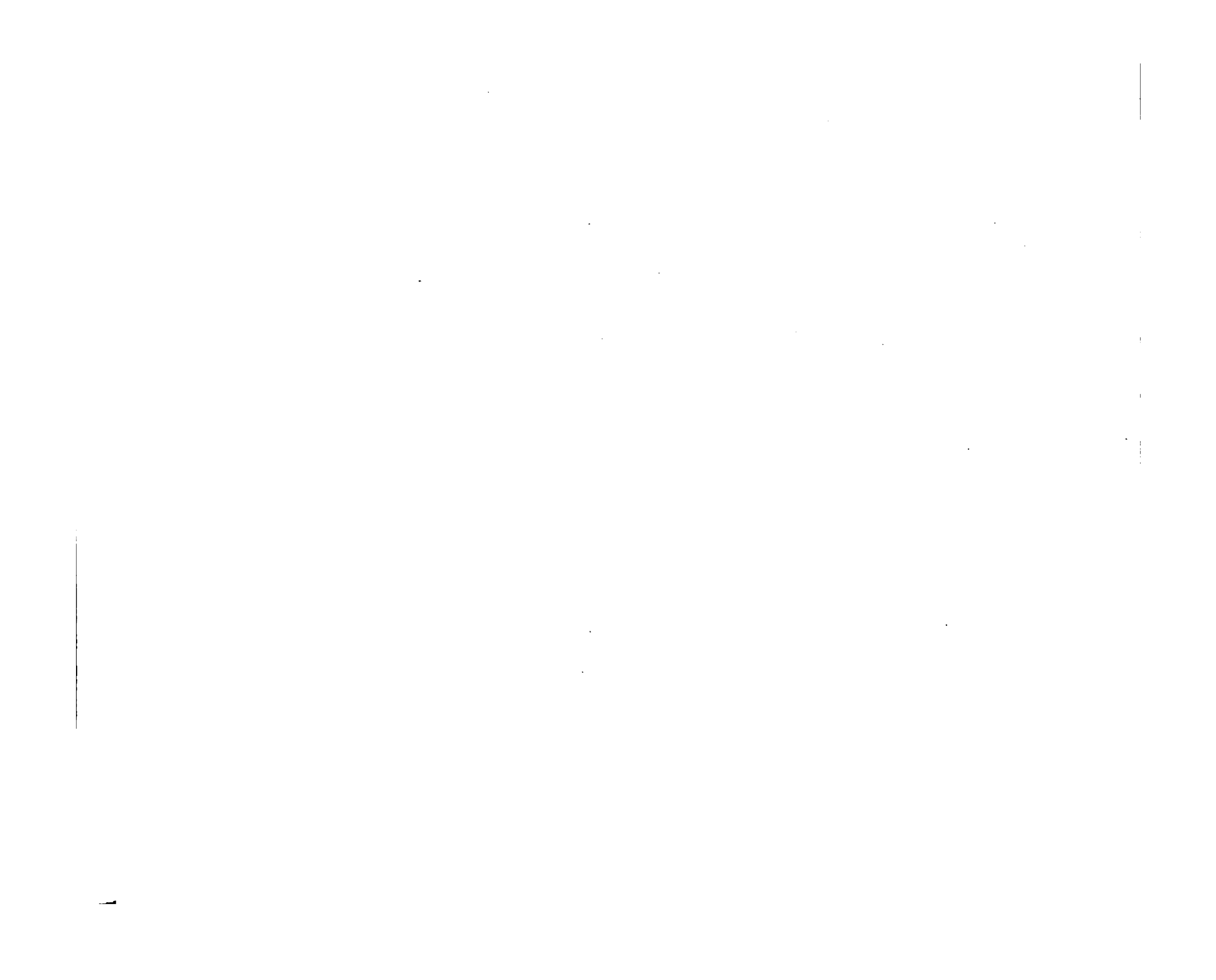
The political methods of certain bureau agents are well illustrated by an extract from a letter of a special correspondent to the New York Tribune. It is the more valuable as it appeared in a republican paper and was published not to illustrate the political action of bureau agents, but to remove the prevailing impression that there was discord in the republican ranks in certain districts of Tennessee. Its substance follows: "As an impression prevails, from the telegrams which have been sent from this place (Nashville) that a serious split exists in the ranks of the radical party in this (Vth) congressional district on account of the nomination of John Trimble as candidate for representative in congress, I propose to give you a correct history of the matter. A county convention was held here on the 27th of April to appoint delegates to the district convention to be held May 16. For several days before that convention, rumors prevailed that the hall would be packed with the adherents of Mr. Laurence, the county superintendent of the freedmen's bureau. When the hour for meeting arrived, a very large number of colored men, seeming to be under the control of Laurence's friends, occupied the body of the hall." The operators of Laurence secured the appointment of one hundred delegates, although the county was entitled to only sixty-three, and a resolution was introduced to instruct delegates to vote for Laurence. The same program was carried out in other counties. Contested seats in the convention were the result and, in the decision of these contests, Laurence was finally forced to withdraw his name.<sup>2</sup>

1. Solid South, p. 18; of Sen. Reports, 42nd Cong., 2nd Sess., Vol. 1, (Alabama), p. 357.

2. Tribune, May 26, 1867.

(3) From the first the bureau met with strong opposition not only in the south, but among democrats at the north. They had denounced it, we have seen, as inexpedient, unconstitutional, unnecessary, and enormously expensive. When bill after bill was passed widening its scope, increasing its appropriations, and extending its duration, when rumors and proofs of fraud and mismanagement became more current, when its political significance and operations were more clearly revealed, the bureau came to occupy a larger and larger place in the political discussions at the north. Democratic papers arraigned it with ever-increasing frequency and republican papers were forced to busy themselves with its defence. Falsifications and misrepresentations were resorted to by both parties. By 1868, it had become a prominent issue in the presidential campaign and the opposition, then at its height, did not entirely subside until long after the bureau had ceased to be. The democratic platform of that year demanded the abolition of the bureau. Publicists, editors, orators, and cartoonists assailed it with strong and telling blows. In his "Democracy in America," which appeared in 1868, ex-congressman Gillet devoted two pages to an expose of its political significance. In the democratic state convention at Albany, Samuel J. Tilden said: "The freedmen's bureau is partly an eleemosynary establishment which dispenses alms to the liberated slaves and assumes to be their friend and protector. It is to a large extent a job for its dependants and their speculative associates. But in its principal character, it is a political machine to organize and manage the three millions of negroes."<sup>1</sup> Day after day the New York World pronounced it a "gigantic swindle," "an electioneering machine of the radicals, through which millions of the people's money were spent to support negroes in idleness year after year in return for their votes for the radical party, thus robbing the people,

1. Bigelow, Writings and Speeches of Tilden, p. 401.



keeping up a war of races in the south, working injury to the negro, and making self-government a mockery." Election day came and brought republican success, but democratic opinions did not change. In 1870 Fernando Wood charged that General Howard was one of the freedmen's bureau ring which favored the political machinery of a party in the southern states; and that the official authority and power of his bureau had been exercised for personal and political profit.<sup>1</sup> S. S. Cox later tersely declared that "its main motive was to perpetuate the existence of the Republican party."<sup>2</sup>

The committees chosen by congress to investigate the operations of the bureau and other agencies of reconstruction were so decidedly partisan that they permitted little respecting the political features of those agencies to come to light. Hence sources of information upon this phase of the subject have been found more scattered and less satisfactory than could have been wished. But the few facts here presented are sufficient to establish that the authority of the bureau was widely exercised for political profit, that it served as a convenient political machine for the organization and management of the negroes, that it was an important factor in maintaining republican principles at a time most trying in the history of that party, and that it was made a prominent political issue by the democrats of the north. If the political object of the bureau was permanent control of the freedmen and permanent domination in the south, then its failure was as ignominious as Mr. Cox has pictured it.<sup>4</sup> If, however, its aim was temporary domination and control until the negro's rights were at least nominally secure, its success was more complete. Its most permanent

1. April 10, June 16, 20, 25, July 8, 15, 23, 29, Sept. 14, 15, 1868.

2. Ho. Reports, 41st Cong., 2nd Sess., No. 121, p. 2.

3. Three Decades, p. 450.

4. Three Decades, p. 450.

influence is seen in the fixing of new party lines in the south. Before its establishment the negro had no politics. Through its control of elections, it did much to secure to him the right of suffrage guaranteed by the fifteenth amendment. This service, together with the influence of the union league, confirmed him in that allegiance to the republican party which the assurance of freedom and of the enjoyment of civil rights had already stimulated. It is fair to assert that to the freedmen's bureau is largely attributable the fact that today political lines and race lines are so nearly coincident in the south.

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## APPENDIX

## LIST OF ASSISTANT COMMISSIONERS

## ALABAMA

General Wager Swayne; succeeded January 14, 1868, by General Julius Hayden; succeeded March 31, 1868, by General O. L. Shepherd; succeeded August 18, 1868, by Lieutenant Colonel Edwin Beecher; served till January 1, 1869.

## ARKANSAS AND MISSOURI

General J. W. Sprague; succeeded by General E. O. C. Ord; succeeded April 2, 1867, by General C. H. Smith; served till January 1, 1869.

## DISTRICT OF COLUMBIA

Colonel John Eaton, Jr.; succeeded December 4, 1865, by General J. S. Fullerton; succeeded February 7, 1866, by General C. H. Howard; served till January 1, 1869.

## FLORIDA

Colonel T. W. Osborne; succeeded June 1, 1866, by General J. G. Foster; succeeded December 5, 1866, by Colonel J. T. Sprague; served till January 1, 1869.

## GEORGIA

General David Tillson; succeeded January 14, 1867, by Colonel C. C. Sibley; served till January 1, 1869.

## KENTUCKY

General C. B. Fiske; succeeded June 12, 1866, by General Jeff C. Davis; succeeded February 18, 1867, by General S. Burbank; served till January 1, 1869.

## LOUISIANA

Chaplain T. W. Conway; succeeded September, 1865, by General J. S. Fullerton; succeeded October, 1865, by General A. Baird; succeeded October, 1866, by General P. H. Sheridan; succeeded November 27, 1866, by General J. A. Mower; succeeded December 4, 1867, by Lieutenant Colonel W. H. Wood; succeeded January 2, 1868, by General R. C. Buchanan; succeeded August 24, 1868, by General Edward Hatch; served till January 1, 1869.

## MARYLAND

Lieutenant Colonel W. P. Wilson; succeeded March 30, 1866, by General Geo. J. Stannard; succeeded July 1, 1866, by Lieutenant Colonel R. Chandler; succeeded July 20, 1866, by General Francis Pessenden; succeeded September 1, 1866, by General E. M. Gregory; succeeded by General Horace Brooks; served till 1868, when Maryland and District of Columbia were united.

## MISSISSIPPI

Colonel Samuel Thomas; succeeded May 1, 1866, by General T. J. Wood; succeeded January 24, 1867, by General A. C. Gillem; served till January 1, 1869.

## NORTH CAROLINA

General E. Whittlesey; succeeded May 16, 1866, by General P. H. Ruger; succeeded June 20, 1866, by General N. A. Miles; served till January 1, 1869.

## SOUTH CAROLINA

General Rufus Saxton; succeeded, January, 1866, by General R. K. Scott; succeeded July 31, 1868, by Colonel J. R. Edie; served till January 1, 1869.

## TENNESSEE

General C. B. Fiske; succeeded September, 1866, by General J. R. Lewis; succeeded January 8, 1867, by General W. P. Carlin; served till January 1, 1869.



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## TEXAS

General E. M. Gregory; succeeded March 30, 1865, by General J. B. Kiddoo; succeeded January 24, 1867, by General Charles Griffin; succeeded by General J. J. Reynolds; served till January 1, 1869.

## VIRGINIA

Colonel Orlando Brown; succeeded April 26, 1866, by General A. H. Terry; succeeded August 16, 1866, by General J. M. Schofield; succeeded March 20, 1867, by Colonel Orlando Brown; served till January 1, 1869.

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39	1	1	25	Veto message of President Johnson, February, 19, 1866.
39	1	2	27	Reports of assistant commissioners of freedmen's bureau, December 1, 1865 to March 6, 1866.
39	2	1	6	Reports of assistant commissioners of freedmen's bureau and synopsis of laws relating to freedmen in southern states January 3, 1867.

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39	1	1	115	Resolutions of house favoring joint committee to investigate freedmen's bureau.
39	2	1	22	Kansas legislature requests congress to appropriate land for a Refugee University, February 9, 1867.
41	3	1	86	Report of General Balloch as to claims paid by the freedmen's bureau, March 1, 1871.

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42	2	41	Report of committee on the insurrectionary states, 13 Vols. (KuKlux Investigation.)
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39	1	2	50	Resolutions assuring protection to freedmen, February 26, 1866.
36	1	3	64	Resolutions of Wisconsin legislature on the second freedmen's bureau bill, March 12, 1866.
39	1	3	108	Same from California legislature, May 10, 1866.
39	1	3	112	Address of Swiss committee on freedmen to president and congress of United States May 15, 1866.
39	2	15	14	Report on Arkansas freedmen, by General Ord, November 24, 1866.
40	2	1	81	Resolutions of freedmen of South Carolina appealing for aid, February 27, 1868.
40	2	1	44	Resolutions of Mississippi constitutional convention on continuance of freedmen's bureau, January 29, 1868.
41	2	3	108	Kansas legislature recommends grant of land for Freedmen's University, April 4, 1870.
42	3	2	87	Howard's views on Assistant Adjutant General Vincent's report, February 7, 1873.
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38	1	1	1	Minority report against freedmen's bureau bill, January 30, 1864.
38	2	1	9	Report of committee of conference on freedmen's bureau bill, February 2, 1865.
40	2	1	30	Report of committee of house on continuance of bureau, March 10, 1868.
41	2	3	110	Report of committee concerning payment of salary of J. R. Davis, a bureau agent, July 1, 1871.
41	2	3	121	Howard Investigation, 1870.
42	2			Report on affairs in insurrectionary states (KuKlux investigation), 13 Vols.
44	1	3	502	Result of investigation of freedmen's banks, May 19, 1876.

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37	2	7	85	Report of General Wool on Africans in Fortress Monroe military district March, 1862.
37	2	10	133	Letter of secretary of war relating to Hunter's arming fugitive slaves, June 14, 1862.
37	2	10	143	Correspondence of General Hunter relating to arming of fugitive slaves, 1862.
37	3	2	2	Report of secretary of interior, 1862.
37	3		1	Report of secretary of war, 1862.
37	3	7	72	Report of secretary of treasury relating to employment and sustaining of slaves in disloyal states, February 18, 1863.
38	1	3	1	Report of secretary of interior, 1863.
38	1	1	3	Report of secretary of war, 1863.
39	1	7	11	Report of General Howard as commissioner of freedmen's bureau, December, 1865.
39	1	7	19	Letter from General Howard relating to the assignment and restoration of land, January 8, 1866.
39	1	8	70	Orders of commissioner and assistant commissioners of freedmen's bureau, March 19, 1866.
39	1	12	99	Message to President Johnson relating to the provisions in the constitutions of southern states regarding freedmen, May 22, 1866.
39	1	12	120	Message of President Johnson transmitting papers relating to the freedmen's bureau and especially Steedman and Fullerton's reports, May 25, 1866.
39	1	12	123	Similar papers, May 30, 1866.
39	1	16	146	President Johnson's veto message, July 16, 1866.



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39	2	3	1	Report of General Howard as commissioner of freedmen's bureau, November, 1866.
39	2	5	7	Special report of General Howard as to amount received by freedmen's bureau from March 3, 1865 to April 1, 1866. Dated November 3, 1866.
39	2	11	106	Report of rations issued by the bureau from July 1 to December 1, 1866.
40	2	2	1	Report of General Howard as commissioner, December 2, 1867
40	2	9	8	Petition of freedmen of Kentucky and Tennessee.
40	2	20	329	Report of General Carlin as to freedmen's affairs in Kentucky and Tennessee, February 1868.
40	3	3	1	Report of General Howard as commissioner, October 14, 1868.
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42	2		38	Letter from secretary of treasury relative to the suspension or mustering out of General Balloch, December 21, 1871.
42	2	2	51	Part I. Letter from secretary of war, relative to suspension or mustering out of General Balloch, January 9, 1872. Part II. Letter from secretary of war, relative to suspension of General Balloch, January 25, 1872.
42	2	3	214	Reports of financial condition of the bureau, March 21, 1872.
42	3	1	1	Report of secretary of war, December, 1872.

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42	3	8	109	Report of Adjutant General Vincent, January 11, 1873.
42	3	9	162	Report concerning freedmen's hospitals for year ending June 30, 1872.
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43	2	12	59	Report of adjutant general's office, freedmen's branch, June 30, 1874.
44	1	12	144	Annual report of late freedmen's bureau for year ending June 30, 1875.
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## CORRIGENDA

- Page 40, line 9, for "Wiley" read "Willey."  
 Page 40, line 18, for "admendments" read "amendments."  
 Page 42, line 12, for "Kelly" read "Kelley."  
 Page 42, line 17, for "voto" read "vote."  
 Page 49, line 21, for "by hired" read "and by hired."  
 Page 67, line 22, for "July 6" read "July 16."  
 Page 125, line 1, for "payments" read "payment."  
 Page 148, line 20, for "afterwards arrested" read "after-  
 wards convicted."  
 Page 154, line 30, for "well-intended" read "well-inten-  
 tioned."  
 Page 176, line 20, for "W. W. Brown" read "W. G.  
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